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सं० 28] नई दिल्ली, शनिवार, जुलाई 12, 1980/आषाढ़ 21, 1902
No. 28] NEW DELHI, SATURDAY, JULY 12, 1980/ASADHA 21, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों (और संघ राज्यक्षेत्र प्रशासनों को छोड़कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)

भारत निर्वाचन आयोग
आदेश

नई दिल्ली, 3 जून, 1980

का०आ० 1826 :—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 20-तिरुपथी (आ०जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी० वीररागवुलु, बथालावल्लम, चित्तूर जिला पो०, ता० मत्थावीडु, जिला चित्तूर (आन्ध्र प्रदेश), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्विधन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री टी० वीररागवुलु को संसद के किसी भी

मदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करना है।

[सं० आ०प्र०-लो०स०/20/80(5)]

धर्मवीर, अवर सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 3rd June 1980

S.O. 1826.—Whereas the Election Commission is satisfied that Shri T. Veerragavulu, Bathalavallam, Chitlamathur Post, Satyaveda Taluk, Chittoor District (Andhra Pradesh), a contesting candidate for general election to the House of the People held in January, 1980 from 20-Tirupati (SC) Parliamentary Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure

and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri T. Veerragavulu to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. AP-HP/20/80(5)]

DHARAM VIR, Under Secy.

गृह मंत्रालय

(कानून और प्रशासनिक सुधार विभाग)

नई दिल्ली, 24 जून 1980

का० आ० 1827.—दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एन.ए. द्वारा श्री पी० के० चौबे, अधिवक्ता वाराणसी को पटना में विचारण, अपीलीय तथा रिविजनल न्यायालयों में श्री रमेश कुमार सिंह पुत्र डॉ० लाल साहेब सिंह तथा रवि कान्त चौधरी पुत्र बालेश्वर प्रसाद निवासी कृष्णा घाट, पटना के विरुद्ध दिल्ली विशेष पुलिस स्थापना नियमित मामला मध्याह्न 1/79 सी० आई० नं० (II) में अज्ञेयता तथा किसी अन्य मामले का जो संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 225/27/80 ए०वी०डी० (II)]

टी० के० सुब्रमणियन, अवर सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 24th June, 1980

S.O. 1827.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri P. K. Choubhe, Advocate, Varanasi, as a Special Public Prosecutor for conducting the prosecution and any other matter in the Delhi Special Police Establishment Regular Case No. 1/79-CIU(II) against Shri Rakesh Kumar Singh S/o Dr. Lal Saheb Singh and Ravi Kant Choudary S/o Baleshwar Prasad, R/o Krishnaghat, Patna in the trial, appellate and revisional courts in Patna.

[No. 225/27/80-AVD.11]

T. K. SUBRAMANIAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 7 फरवरी, 1980

आयकर

का० आ० 1828.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि आयकर अधिनियम, 1962 की धारा 35(1) (II) के अधीन अधिसूचना सं० 2220, तारीख 15 मार्च 1978 द्वारा कैलाश सेवा सदन, मुम्बई को प्रदान किया गया अनुमोदन, विहित प्राधिकारी अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद, नई दिल्ली की सिफारिश पर 1 अप्रैल, 1979 से वापस ले लिया गया है।

[सं० 3182/का० सं० 203/155/79 आई०टी०ए० II]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 7th February, 1980

INCOME TAX

S.O. 1828.—It is hereby notified for general information that the approval given under section 35(1)(ii) of the

Income-tax Act, 1961 to Kailash Seva Sudan, Bombay, by notification No. 2220 dated 15th March, 1978 is withdrawn with effect from 1st April, 1979 on the recommendation of the prescribed authority, the Indian Council of Medical Research, New Delhi.

[No. 3182/F. No. 203/155/79-ITA II]

नई दिल्ली, 23 अप्रैल, 1980

का० आ० 1829.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि आयकर अधिनियम, 1922 की धारा 10(2) (xiii) के अधीन अधिसूचना सं० 34 द्वारा तारीख 23-11-1946 से, इंडियन क्रुसिबल कम्पनी लिमिटेड, हावड़ा को प्रदान किया गया अनुमोदन, विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग नई दिल्ली की सिफारिश पर 1-1-1979 से वापस ले लिया गया है।

[सं० 3255/का० सं० 203/116/80 आई० टी० ए० (II)]

New Delhi, the 23rd April, 1980

S.O. 1829.—It is hereby notified for general information that the approval given under section 10(2)(xiii) of the Income-tax Act, 1922 to Indian Crucible Company Ltd., Howrah, by notification No. 34 with effect from 23-11-1946, is withdrawn with effect from 1-1-1979, on the recommendation of the prescribed authority, the Secretary, Department of Science & Technology, New Delhi.

[No. 3255/F. No. 203/116/80 ITA(II)]

का० आ० 1830.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 की धारा 35 (1) (ii) के अधीन, अधिसूचना सं० 494 का० सं० 203/38/73 आई० टी० ए० II 8-11-1973 से, प्रोटीन फूड एण्ड न्यूट्रिशन एसोसिएशन आफ इंडिया, मुम्बई को प्रदान किया गया अनुमोदन विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली की सिफारिश पर 18-3-1980 से वापस ले लिया गया है।

[सं० 3256/का० सं० 203/117/80 आई० टी० ए० (II)]

S.O. 1830.—It is hereby notified for general information that the approval given under section 35(1)(ii) of the Income-tax Act, 1961 to Protein Foods & Nutrition Association of India, Bombay by notification No. 494 F. No. 203/38/73-ITA-II with effect from 8-11-73 is withdrawn with effect from 17-3-1980 on the recommendation of the prescribed authority, the Secretary, Department of Science & Technology, New Delhi.

[No. 3256/F. No. 203/117/80-ITA-II]

नई दिल्ली, 24 अप्रैल, 1980

का० आ० 1831.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि आयकर अधिनियम, 1961 की धारा 35(1) (ii) के अधीन अधिसूचना सं० 1427, तारीख 6-8-1976 द्वारा इंडियन इन्स्टीट्यूट आफ प्लांट इंजीनियर्स, मद्रास को प्रदान किया गया अनुमोदन, विहित प्राधिकारी, अर्थात् सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली की सिफारिश पर 1-1-1973 से वापस ले लिया गया है।

[सं० 3257/का० सं० 203/115/80 आई० टी० ए० (II)]

New Delhi, the 24th April, 1980

S.O. 1831.—It is hereby notified for general information that the approval given under section 35(1)(ii) of the Income-tax Act, 1961 to the Indian Institute of Plant Engineers, Madras by notification No. 1427 dated 6-8-1976 is

withdrawn with effect from 1-1-1979 on the recommendation of the prescribed authority, the Secy. Department of Science & Technology, New Delhi.

[No. 3257/F, No. 203/115/80-ITA-II]

नई दिल्ली, 25 अप्रैल, 1980

का० भा० 1832 — राजस्व विभाग अधिसूचना सं० 3219, तारीख 20 मार्च, 1980 का निम्नलिखित रूप में संशोधन करता है :—

“परिशिष्ट VI	“परिशिष्ट VI
निम्नलिखित से	निम्नलिखित से
प्रत्याशित दान	प्रत्याशित दान
क्रम सं० 1 से 13 तक”	1. मैमर्स बनेट कोलमैन
के स्थान पर	एण्ड कम्पनी लिमिटेड,
	मुम्बई,—100 लाख रु०
	पढ़े।”

[स 3259/का० सं० 203/101/80-आई० टी० ए० II]

New Delhi, the 25th April, 1980

S.O. 1832.—The Department of Revenue hereby amend the notification No. 3219 dated 20th March, 1980 as under:—

For

Read

APPENDIX VI

APPENDIX VI

Donations expected from the following

Donations expected from the following :

Sl. No. 1 to 13	1. M/s. Bennet Coleman & Co. I td., Bombay—Rs. 100 lakhs.
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[No. 3259/F, No. 203/101/80-I.T.A. II]

नई दिल्ली, 12 मई, 1980

का० भा० 1833 — इस विभाग की अधिसूचना सं० 2585 (का० सं० 203/19/78-आई० टी० ए० II) तारीख 21-11-78 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6(ii) के साथ पठन, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (i) के प्रयोजनों के लिए, चिकित्सा अनुसंधान के क्षेत्र में “वैज्ञानिक अनुसंधान संगम” प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् —

- यह कि सगम, चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप में होगा।
- उक्त सगम प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रम्पों में प्रस्तुत करेगा/करेगी जो इस प्रयोजन के लिए अधिकृत किए जाए और उसे सूचित किया जाए।
- उक्त सगम प्रत्येक वर्ष के लिए लेखापत्रों का वार्षिक संपरीक्षित विवरण परिषद् की प्रति वर्ष 31 मई तक भेजेगा और इसके अनिवार्य इसकी एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगा।

“वैज्ञानिक अनुसंधान संगम

सीरम इंस्टीट्यूशन आफ इंडिया रिसर्च फाउन्डेशन, पुणे”

यह अधिसूचना 4-1-1980 से 3-1-1983 तक तीन वर्ष की अवधि के लिए प्रभावी है।

[3259/का० सं० 203/129/80-आई० टी० ए० II]

New Delhi, the 12th May, 1980

S.O. 1833.—In continuation of this Department's notification No. 2585 (F. No. 203/19/78-ITA, II) dated 21st Novem-

ber, 1978, it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of “scientific research association” in the field of Medical Research subject to the following conditions :—

- That the Association will maintain a separate account of the sums received by it for scientific research in the field of medical research.
- That the Association will furnish annual returns of its scientific research activities to the Council for each year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
- That the Association will furnish an annual Audited statement of accounts to the council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

SCIENTIFIC RESEARCH ASSOCIATION

Serum Institution of India Research Foundation, Poona

The notification is effective for a period of 3 years from 4-1-1980 to 3-1-1983.

[No. 3289/F, No. 203/129/80-ITA.II]

का० भा० 1834.—राजस्व विभाग, अधिसूचना सं० 2542 (का० सं० 203/6/77-आई० टी० ए० II), तारीख 9 अक्टूबर, 1978 का निम्नलिखित रूप में और संशोधन करता है :—

समाप्ति की पूर्वानुमानित तारीख—	समाप्ति की पूर्वानुमानित तारीख—
31-3-19379	1-4-1979 से सितम्बर, 1980 तक :
के स्थान पर	पढ़े।

[सं० 3290/का० सं० 203/118/80-आई० टी० ए० II]

S.O. 1834.—The Department of Revenue hereby further amend the notification No. 2542 (F. No. 203/6/77-I.T.A. II) dated the 9th October, 1978 as under:—

For

Read

Anticipated date of completion—31-3-1979

Anticipated date of completion from 1-4-1979 to Sept., 1980.

[No. 3290/F, No. 203/118/80-I.T.A. II]

का० भा० 1835.—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि सचिव, विज्ञान और प्रौद्योगिक विभाग, नई दिल्ली ने, आयकर नियम, 1962 के नियम 6(iv) के साथ पठन, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनार्थ नीचे विनिर्दिष्ट अवधि के लिए निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम अनुमोदित किया है।

वैज्ञानिक अनुसंधान कार्यक्रम का नाम	कमोरोटाइरीकास के विनिर्माण के लिए व्यवहार-ज्ञान प्रक्रिया का विकास
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प्रायोजक का नाम	1. मैमर्स आई० टी० एल० केमिकल्स लि० पोस्ट बॉक नं० 1, 1, सरन नगर हैदराबाद 2. मैमर्स मोडोलाज पेट्टिमाइड्स (1) प्रा०, लि०, 57, नेहरू प्लेस, नई दिल्ली जनवरी, 1980
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प्रारम्भ होने की प्रस्तावित

तारीख

पूर्ण होने की अनुमानित

तारीख प्राक्कलित लागत

क्रियान्वयन प्रयोगशाला

जून, 1980

7.4 लाख

प्रादेशिक अनुसंधान प्रयोगशाला

हैदराबाद।

2. प्रादेशिक अनुसंधान प्रयोगशाला, हैदराबाद, सी० एच० आई० आर० जो आयकर अधिनियम, 1922 की धारा 10(2) (13) के अधीन, अनुमोदित है, की एक इकाई है।

[सं० 3291/फा०सं० 203/120/80-आई०टी०ए०-11]
जे०पी० शर्मा, निदेशक

S.O. 1835—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-tax Act, 1961 read with the rule 6(iv) of the Income-tax Rules, 1962 by the Secretary Department of Science & Technology, New Delhi.

Name of the scientific research programme.	Development of process know-how for the manufacture of chloropyrifos.
Name of the sponsorer	1. M/s. IDL Chemicals Ltd., P.B. No. 1, 1 Sanainagar, Hyderabad. 2. M/s. Motilal Pesticides (I)P. Ltd., 57, Nehru Place, New Delhi.
Proposed date of commencement.	January, 1980
Anticipated date of completion.	June, 1980
Estimated cost	7.4 lakhs
implementing laboratory	Regional Research Laboratory, Hyderabad.

2. The Regional Research Laboratory, Hyderabad is a unit of CSIR which stands approved under section 10(2) (xiii) of the I.T. Act, 1922.

[No. 3291/F. No. 203/120/80-ITA-II]
J. P. SHARMA, Director

नई दिल्ली, 30 मई, 1980

आयकर

का०आ० 1836—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) का अनुसरण करते हुए, केन्द्रीय सरकार एतद्वारा श्री डी० बी० क्षीरसागर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री डी० बी० क्षीरसागर द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3431/फा०सं० 398/12/80-आ०क०स०क०]

New Delhi, the 30th May 1980

INCOME TAX

S.O. 1836—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri D. B. Kshirsagar being a gazetted officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri D. B. Kshirsagar takes over charge as Tax Recovery Officer.

[No. 3431/F. No. 398/12/80-ITCC]

का०आ० 1837—आयकर अधिनियम, 1961 (1961 का 43) की धारा 4 के उपखण्ड (iii) का अनुसरण करते हुए, केन्द्रीय

सरकार एतद्वारा श्री पी० के० कुलकर्णी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री पी० के० कुलकर्णी द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3433/फा०सं० 398/12/80-आ०क०स०क०]

S.O. 1837—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri P. K. Kulkarni being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri P. K. Kulkarni takes over charge as Tax Recovery Officer.

[No. 3433/F. No. 398/12/80-ITCC]

का०आ० 1838—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 15 जून, 1977 की अधिसूचना सं० 1820 (फा०सं० 404/83/77-आ०क०स०क०) का अधिवर्धन करने हुए केन्द्रीय सरकार एतद्वारा श्री डी० एस० पालन्दे को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री डी० एस० पालन्दे द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3455/फा०सं० 398/12/80-आ०क०स०क०]

S.O. 1838—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961, (43 of 1961) and in pursuance of Notification of the Government of India in the Department of Revenue No. 1820 (F. No. 404/83/77-ITCC) dated 15-6-77, the Central Government hereby authorises Shri D. S. Palande being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri D. S. Palande takes over charge as Tax Recovery Officer.

[No. 3435/F. No. 398/12/80-ITCC]

का०आ० 1839—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) का अनुसरण करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार के राजस्व विभाग की 30 जून, 1979 की अधिसूचना सं० 2902 (फा०सं० 404/132/क०व०आ०-पू०/79-आ०क० स० क०) में निम्नलिखित संशोधन करती है, अर्थात् उक्त अधिसूचना में "श्री आर० एम० यार्दी, श्री एस० जी० हर्तकर तथा श्री के० आर० दुराफे" शब्दों और अक्षरों के स्थान पर "श्री के आर० यार्दी" शब्द और अक्षर प्रतिस्थापित किए जाएंगे।

[सं० 3437/फा०सं० 398/12/80-आ०क०स०क०]

S.O. 1839—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the Notification of the Government of India in the Department of Revenue No. 2902 (F. No. 404/132/TRO-Pune/79-ITCC) dated 30th June, 1979, namely in the said Notification for the words and letters "S/Shri R. M. Yardi, M. G. Hartalkar and K. R. Duraphe" the words and letters "Shri K. R. Duraphe" shall be substituted.

[No. 3437/F. No. 398/12/80-ITCC]

फा०आ० 1840—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 9 जून 1976 की अधिसूचना सं० 1351 (फा०सं० 404/42/76-आ०क०सं०क०) का अधिलघन करते हुए, केन्द्रीय सरकार एतद्वारा श्री पी० एन० भट्टाचार्य को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री पी० एन० भट्टाचार्य द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3439/फा०सं० 398/14/80-आ०क०सं०क०]

S.O. 1840.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 1351 (F. No. 404/42/76-ITCC) dated 9th June, 1976, the Central Government hereby authorises Shri P. N. Bhattacharjee, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri P. N. Bhattacharjee takes over charge as Tax Recovery Officer.

[No. 3439/F. No. 398/14/80-ITCC]

फा०आ० 1841—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 28 मई, 1977 की अधिसूचना सं० 1785 (फा०सं० 404/28/77-आ०क०सं०क०) और 16 नवम्बर 1979 की अधिसूचना सं० 3072 (फा०सं० 404/147-क०व०अ०-नागपुर/79-आ०क०सं०क०) का अधिलघन करते हुए, केन्द्रीय सरकार के एतद्वारा श्री एन०डी० गणवीर को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री एन०डी० गणवीर द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3442/फा०सं० 398/15/80-आ०क०सं०क०]

S.O. 1841.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 1785 (F. No. 404/27/77-ITCC) dated 28th May, 1977 and No. 3072 (F. No. 404/147-TRO-Nagpur/79-ITCC) dated 16th November, 1979, the Central Government hereby authorises Shri N. D. Ganvir, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri N. D. Ganvir takes over charge as Tax Recovery Officer.

[No. 3442/F. No. 398/15/80-ITCC]

फा०आ० 1842—आयकर अधिनियम, 1961, (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 3 जनवरी, 1979 की अधिसूचना सं० 2634 (फा०सं० 404/28/77-आ०क०सं०क०) का अधिलघन करते हुए, केन्द्रीय सरकार एतद्वारा श्री जे० डी० जोशी को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री जे० डी० जोशी द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3444/फा०सं० 398/15/80-आ०क०सं०क०]

S.O. 1842.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 2634 (F. No. 404/28/77-ITCC) dated 3rd January, 1979, the Central Government hereby authorises Shri J. D. Joshi, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri J. D. Joshi takes over charge as Tax Recovery Officer.

[No. 3444/F. No. 398/15/80-ITCC]

फा०आ० 1843—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (ii) का अनुसरण करते हुए तथा भारत सरकार के राजस्व विभाग की 30 जून, 1979 की अधिसूचना सं० 2906 (फा०सं० 404/73-क०व०अ०-गुजरात/79-आ०क०सं०क०) का अधिलघन करते हुए, केन्द्रीय सरकार एतद्वारा श्री एन० के० राव को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री एन० के० राव द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3446/फा०सं० 398/1/80-आ०क०सं०क०]

S.O. 1843.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 2906 (F. No. 404/73-TRO-Guj/79-ITCC) dated 30th June, 1979, the Central Government hereby authorises Shri N. K. Rao, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri N. K. Rao takes over charge as Tax Recovery Officer.

[No. 3446/F. No. 398/1/80-ITCC]

फा०आ० 1844—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री पी०आई० शुक्ल को, जो केन्द्रीय सरकार के राजपत्रित अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री पी०आई० शुक्ल द्वारा कर वसूली अधिकारी के पद का कार्यभार ग्रहण करने की तारीख से लागू होगी।

[सं० 3448/फा०सं० 398/1/80-आ०क०सं०क०]

S.O. 1844.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby authorises Shri P. I. Shukla, being a gazetted officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall come into force with effect from the date Shri P. I. Shukla takes over charge as Tax Recovery Officer.

[No. 3448/F. No. 398/1/80-ITCC]

नई दिल्ली, 3 जून, 1980

फा०आ० 1845—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप-खण्ड (iii) का अनुसरण करते हुए, सरकार एतद्वारा, भारत सरकार के राजस्व विभाग की 3 मई, 1980 की अधिसूचना सं० 3278 (फा०सं० 398/3/80-आ०क०सं०क०)

में निम्नलिखित संशोधन करना है, अर्थात्, उक्त अधिसूचना के पैरा 2 की प्रथम पंक्ति में "श्री जे. आर. मरवाह" शब्दों के स्थान पर "श्री जे. एल. मरवाह" शब्द और शब्द प्रतिस्थापित किए जाएंगे।

[सं. 3461/फांसा 398/3/80-आंक.सं.कं.]

एच. वेंकटरामन, उपा-सचिव

New Delhi, the 3rd June, 1980

S.O. 1845.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Revenue No. 3278 (F. No. 398/3/80-ITCC), dated 3rd May, 1980 namely, in the first line of para 2 of the said Notification for the letters and words "Shri J. R. Marwah" the letters and words "Shri J. L. Marwah" shall be substituted.

[No. 3461/F. No. 398/3/80-ITCC]

H. VENKATARAMAN, Dy. Secy.

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली 23 जून, 1980

कां.आ. 1846.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार भूतपूर्व राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) के दिनांक 28 सितम्बर, 1976 की अधिसूचना एन.ओ. सं. 651 (इ) (सं. एक. 4-86/76-ए.सी. (1)) में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "मैसूर का जिला" शब्द समूह के स्थान पर "मैसूर और हसन के जिले" शब्द समूह प्रतिस्थापित किया जाएगा।

[सं. एक. 2-7/79-आर.ओ.बी. (1)]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 23rd June, 1980

S.O. 1846.—In exercise of the powers conferred by sub-section (1) of section (3) of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Govt. of India in the then Department of Revenue and Banking (Banking Wing) S. O. No. 651(E) [No. F. 4-86/76-AC(1)] dated the 28th September 1976, namely:

In the said notification, for the words "district of Mysore", the words "districts of Mysore and Hassan" shall be substituted.

[No. F. 2-7/79-RRB(ii)]

कां.आ. 1847.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्वारा भारत सरकार, भूतपूर्व राजस्व और बैंकिंग विभाग (बैंकिंग पक्ष) के दिनांक 13 अगस्त, 1976 की अधिसूचना संख्या एन.ओ. संख्या 550 (इ) [संख्या एक 4-75/76-ए.सी. (1)] में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में "बीरभूम का जिला" शब्द समूह के स्थान पर "बीरभूम और हुगली के जिले" शब्द समूह प्रतिस्थापित किया जाएगा।

[संख्या एक/2-7/79-आर.ओ.बी. (2)]

S.O. 1847.—In exercise of the powers conferred by sub-section (1) of section (3) of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Govt. of India in the then Department of Revenue and Banking (Banking Wing) S. O. No. 550(E) (No. F. 4-75/76-AC(I)) dated the 13th August, 1976, namely:—

In the said notification, for the words "district of Birbhum", the words "districts of Birbhum and Hooghly" shall be substituted.

[No. F. 2-7/79-RRB(2)]

नई दिल्ली, 28 जून, 1980

कां.आ. 1848.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम. के. फडनवीस को जाल-वाड़ा ग्रामीण बैंक, नांदेड़ का अध्यक्ष नियुक्त करती है तथा 1 जुलाई, 1980 से प्रारम्भ होकर 30 जून 1981 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री एम. के. फडनवीस अध्यक्ष के रूप में कार्य करेंगे।

[सं. एक. 3-1/79-आर.ओ.बी. (अ-इ-III)]

दिनेश चन्द्र, निदेशक

New Delhi, the 28th June, 1980

S.O. 1848.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act 1976 (21 of 1976), the Central Government hereby appoints Shri S. K. Fadnavis as the Chairman of the Marathwada Gramin Bank, Nanded and specifies the period commencing on the 1st July, 1980 and ending with the 30th June, 1981 as the period for which the said Shri S. K. Fadnavis shall hold office as such Chairman.

[No. F. 3-1/79-RRB Vol. II]

DINESH CHANDRA, Director

(सम संख्यक तथा दिनांक की अधिसूचना के अतिरिक्त में)

वाणिज्य तथा नागरिक आपूर्ति मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 13 मई, 1980

(समुद्री उत्पाद निर्यात विकास प्राधिकरण)

कां.आ. 1849.—समुद्री उत्पाद निर्यात विकास प्राधिकरण अधिनियम, 1972 (1972 का 13) की धारा 4 की उपधारा 3 के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एम. नरसिमहामूर्ति राव, निदेशक, समुद्री उत्पाद, केरल, को 7 अप्रैल 1980 के पूर्वार्द्ध से निदेशक, समुद्री उत्पाद निर्यात विकास प्राधिकरण, कोचीन, के पद पर नियुक्त करती है।

श्री एम. नरसिमहामूर्ति राव एक वर्ष की अवधि के लिए परीक्षा पर रहेंगे और परीक्षा अवधि के संतोषजनक ढंग में पूरा होने पर उनके कार्य अवधि तीन वर्षों तक बढ़ाई जाएगी।

[फां.सं. 1/एम-1 79-ईपी (ऐसी-V)]

टी. आर. नागराजन, अधीक्षक सचिव

(In supersession of Notification of even No. and date)

MINISTRY OF COMMERCE AND CIVIL SUPPLIES

(Department of Commerce)

New Delhi, the 13th May, 1980

(Marine Products Export Development Authority)

S.O. 1849.—In exercise of the powers conferred by Clause (b) of Sub-section 3 of Section 4 of Marine Products Export

Development Authority Act, 1972 (43 of 1972), the Central Government hereby appoints Shri S. Narasimhamoorthy Rao, Director, Fisheries Kerala, as Director, Marine Products Export Development Authority, Cochin, from the forenoon of 7th April, 1980.

Shri S. Narasimhamoorthy Rao will be on probation for one year and on satisfactory completion of the probation period, his tenure will be extendable upto three years.

[F. No. 1/M-1/79-EP (Agri. V)]
T. R. NAGARAJAN, Under Secy.

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 23 जून, 1980

का०आ० 1850.—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० 25 तारीख 5-1-80 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से सलग अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाइन को बिछाने के प्रयोजन के लिए अर्जित करने का अपना प्राण्य घोषित कर दिया था।

और यह: मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अब: उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से सलग अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इंडियन प्रायव कारपोरेशन लि० में सभी बाधाओं से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

तहसील : रायपुर	जिला : पाली	राज्य : राजस्थान			
ग्राम	खसरा नं०	क्षेत्रफल	हे०	ऐ०	व०मी०
सराधना	459	0	00	54	
	469	0	00	51	

[सं० 12020/20/79-प्रो०]

किरण चड्ढा, प्रवर सचिव

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 23rd June, 1980

S.O. 1850.—Whereas by a notification of Government of India in the Ministry of Petroleum, Chemicals and Fertilizer (Department of Petroleum) S.O. 25 dated 5-1-80 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to

acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act submitted report to the Government.

And further the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines.

And further in exercise of the power conferred by Sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil: Raipur	District: Pali	State: Rajasthan			
Village	Khasra No.	Area	H.	A.	Sq.M.
Saradhna	459	0	00	54	
	469	0	00	51	

[No. 12020/20/79-Prod.]

KIRAN CHADHA, Under Secy

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 30 जून, 1980

का०आ० 1851.—भारतीय दायुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारतीय चिकित्सा परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की प्रथम अनुसूची में एतद्द्वारा आगे और निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अनुसूचियों में:—

(1) भागलपुर विश्वविद्यालय सम्बन्धी प्रविष्टियों में "पंजीकरण के लिए संक्षेपण" वाले कालम की प्रविष्टि में "30 अप्रैल, 1980" के अंकों, अक्षरों तथा शब्दों के स्थान पर "30 अप्रैल, 1981" अंक, अक्षर और शब्द रखे जाएंगे।

(2) बर्दवान विश्वविद्यालय सम्बन्धी प्रविष्टियों में "पंजीकरण के लिए संक्षेपण" वाले कालम की प्रविष्टि में "30 अप्रैल 1980" के अंकों, अक्षरों तथा शब्दों के स्थान पर "30 अप्रैल, 1981" अंक, अक्षर और शब्द रखे जाएंगे।

[संख्या की० 11015/7/80-एम०ई० (निति)]

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 30th June, 1980

S.O. 1851.—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following

further amendments in the First Schedule to the said Act, namely :—

In the said Schedules :—

(1) in the entries relating to Bhagalpur University, in the entry in the column "Abbreviation for registration", for the figures, letters, and words "30th April, 1980, the figures, letters and words "30th April, 1981" shall be substituted;

(2) in the entries relating to Burdwan University, in the entry in the column "Abbreviation for registration", for the figures, letters and words "30th April, 1980" the figures, letters and words "30th April, 1981" shall be substituted.

[No. V. 11015/7/80-M.E. (Policy)]

आवेश

नई दिल्ली, 1 जुलाई, 1980

कांआ० 1852—यतः केन्द्रीय सरकार ने भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की पहली अप्रैल, 1960 की अधिसूचना संख्या 17-2/59-एम०-1 में निदेश दिया है कि "बेलर विश्वविद्यालय, टेक्सास, यू०एस०ए० द्वारा प्रदत्त एम०डी०" चिकित्सा अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए मान्यताप्राप्त चिकित्सा अर्हता होगी;

तथा यतः डा० आर० जी० बररोस को जो उक्त अर्हता रखने हैं, फिलहाल मुकुन्दा क्रिश्चियन लेप्रोसी एण्ड जनरल अस्पताल, पी०ओ० बाजारिचेर्रा, काचर जिला, असम के साथ धर्मार्थ कार्य के लिए सम्बद्ध किया जाता है।

अतः अब उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक (ग) का अनुसरण करते हुए केन्द्रीय सरकार विशेष रूप से उल्लेख करती है—

(i) 31 दिसम्बर, 1980 तक की और अवधि; अथवा

(ii) जिस अवधि तक डा० आर० जी० बररोस मुकुन्दा क्रिश्चियन लेप्रोसी एण्ड जनरल अस्पताल, पी०ओ० बाजारिचेर्रा, जिला असम

के साथ सम्बद्ध किया गया हो, जो भी कम हो, पूर्वीक डॉक्टर की चिकित्सा प्रैक्टिस को उस अवधि तक सीमित रखा जाएगा।

[संख्या जी० 11016/2/80-एन० ई० (नीति)]

मदन मोहन, अवसर सचिव

ORDER

New Delhi, the 1st July, 1980

S.O. 1852.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/59-MI dated the 1st April, 1960, the Central Government has directed that the medical qualification, "M.D. awarded by the Baylor University, Texas, U.S.A." shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. R. G. Burrows, who possesses the said qualification is for the time-being attached to the Mukunda Christian Leprosy and General Hospital, P.O. Bazaricherra, Cachar District, Assam for the purposes of charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a further period upto 31st December, 1980 or

(ii) the period during which Dr. R. G. Burrows is attached to the Mukunda Christian Leprosy & General Hospital, P.O. Bazaricherra, District Assam.

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/2/80-M.E.(Policy)]

MADAN MOHAN, Under Secy.

इस्पात, 3 और कोयला मंत्रालय

(कोयला विभाग)

नई दिल्ली, 26 जून, 1980

कांआ० 1853—एतद्वारा अधिसूचित किया जाता है कि कोयला कोयला खान (राष्ट्रीयकरण) अधिनियम, 1972 (1972 का 36) की धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० 11023/9/76 सी०ए०, दिनांक 16 फरवरी, 1978 का प्रतिरक्षण करते हुए, केन्द्रीय सरकार ने श्री एम० एन० तिहारी को 6 जून 1980 के पूर्वाह्न से उक्त अधिनियम के प्रयोजन के लिए भुगतान आयुक्त नियुक्त किया है।

[सं० 38014/4/78-सी० ए०]

ल० ना० लड्डा, संयुक्त सचिव

MINISTRY OF STEEL, MINES AND COAL

(Department of Coal)

New Delhi, the 26th June, 1980

S.O. 1853.—It is hereby notified that in exercise of the powers conferred by sub-section (1) of section 20 of the Coking Coal Mines (Nationalisation) Act, 1972 (36 of 1972) and in supersession of the notification of the Government of India in the Ministry of Energy (Department of Coal) No. 11023/9/76-CA dated the 16th February, 1978, the Central Government has appointed Shri M. N. Tiwary as the Commissioner of Payments for the purpose of the said Act with effect from the forenoon of the 6th June, 1980.

[No. 38014/4/78-CA]

L. N. LADDHA, Jt. Secy.

सिंचाई मंत्रालय

नई दिल्ली, 24 जून, 1980

कांआ० 1854—तुंगभद्रा बोर्ड के गठन के सम्बन्ध में भूतपूर्व सिंचाई और विद्युत मंत्रालय की अधिसूचना सं० डी डब्ल्यू-VI-4(9), दिनांक 10 मार्च, 1955 (समय-समय पर यथासंशोधित) में निम्नलिखित और संशोधन किया जाता है, अर्थात् :—

पैरा 1 में "मदस्य" के अन्तर्गत वर्तमान प्रविष्टि "विशेष सचिव, कर्नाटक सरकार, लोक निर्माण और विजली विभाग" के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी :—

"विशेष सचिव, कर्नाटक सरकार, लोक निर्माण और विजली विभाग (सिंचाई)"।

[सं० 19/4/76-वि०का०एक/परि० 4]

चन्द्रशेखर द० खोचे, अवसर सचिव

MINISTRY OF IRRIGATION

New Delhi, the 24th June, 1980

S.O. 1854.—The following further amendment is made in the erstwhile Ministry of Irrigation and Power Notification No. DW. VI-4(9) dated the 10th March, 1955 (as amended from time to time) relating to the constitution of the Tungabhadra Board, namely :—

For the existing entry under "Member" in para 1 namely "Special Secretary to Government of Karnataka, Public Works and Electricity Department", the following entry shall be substituted :—

"Special Secretary to Government of Karnataka, Public Works and Electricity Department (Irrigation)".

[No. 19/4/76-DW. I/P. IV]

C. D. KHOCHÉ, Under Secy.

पर्यटन और नागर विमानन मंत्रालय

नई दिल्ली 23 जून, 1980

का०आ० 1855.—यह 23 जून, 1980 को एक पिट्स एस-2ए विमान संख्या बी० टी०ई० जी० एन० सकदरजंग क्षेत्र, नई दिल्ली में एक स्थानीय उड़ान का परिचालन करने समय नई दिल्ली में चाणक्यपुरी के निकट दुर्घटनाग्रस्त हो गया जिसके परिणामस्वरूप विमान पर सवार दो व्यक्तियों की मृत्यु हो गयी ;

और यह : केन्द्रीय सरकार यह अनुभव करती है कि उक्त दुर्घटना की परिस्थितियों का औपचारिक जांच करना वांछनीय है ;

अतः प्रब, वायुयान नियम, 1937 के नियम 75 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निदेश करती है कि उक्त दुर्घटना की औपचारिक जांच की जाए।

केन्द्रीय सरकार उक्त जांच करने के लिए दिल्ली उच्च न्यायालय के न्यायाधीश श्री जस्टिस एस. एन. जैन को नियुक्त करती है।

केन्द्रीय सरकार उक्त जांच करने के लिए इससेमरी के रूप में कार्य करने के लिए निम्नलिखित को भी नियुक्त करती है :—

- (1) एयर वाइस मार्शल एस० साहनी, भारतीय वायु सेना, नई दिल्ली।
- (2) एयर कमांडोर जे.के. कपूर, भारतीय वायु सेना, नई दिल्ली।
- (3) श्री विवेक सिन्हा, वैमानिक निदेशक, रक्षा मंत्रालय, नई दिल्ली।
- (4) विंग कमांडर आई०एम० चोपड़ा, चीफ टेस्ट पायलट, हिन्दुस्तान एरोनाटिक्स लि०, बंगलौर।

जांच अदालत 30 दिसम्बर, 1980 तक अपनी जांच पूरी कर लेगी और केन्द्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर देगी।

जांच अदालत का मुख्यालय नई दिल्ली में होगा।

[का० सं० ए० बी० 15013/9/80-ए]

एस० एकाम्बरम, निदेशक

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 23rd June, 1980

S.O. 1855.—Whereas on 23rd June, 1980 a Pitts S-2A aircraft No. VT-EGN while operating a local flight from Safdarjung Airport, New Delhi, crashed near Chanakypuri, New Delhi, resulting in the death of two persons on board;

And whereas it appears to the Central Government that it is expedient to hold a formal investigation into the circumstances of the said accident;

Now, therefore, in exercise of the powers conferred by rule 75 of the Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri Justice M. L. Jain, Judge of the Delhi High Court to hold the said investigations.

The Central Government is also pleased to appoint :

- (1) Air Vice Marshal S. Sahney, Indian Air Force, New Delhi.
- (2) Air Commodore J. K. Kapur, Indian Air Force, New Delhi.
- (3) Shri Vivek Sinha, Director, Aeronautics, Ministry of Defence, New Delhi.
- (4) Wing Cdr. I. M. Chopra, Chief Test Pilot, Hindustan Aeronautics Ltd., Bangalore.

to act as assessors to the said investigation.

The Court of Inquiry will complete its inquiry and make its report to the Central Government by 30th September, 1980.

340 GI/80—2.

The headquarters of the Court of Inquiry will be at New Delhi.

[F. No. Av. 15013/9/80-A]

S. EKAMBARAM, Director

MINISTRY OF LABOUR

New Delhi, the 26th June, 1980

S.O. 1856.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the Industrial dispute between the employers in relation to the management of Gidi Coal Washery of Central Coalfields Limited, Post Office Gidi, District Hazaribagh and their workmen, which was received by the Central Government on the 21st June, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 10 of 1979**PARTIES :**

Employers in relation to the management of Gidi Coal Washery of Central Coalfields Limited, Post Office Gidi, District Hazaribagh.

AND

Their Workmen

APPEARANCES :

For the Employers—Shri R. S. Murthy, Director (Personnel) Central Coalfields Ltd., Ranchi.

For the Workmen—Shri S. N. Jha, Treasurer, United Coal Workers' Union, Bhurkunda Branch.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, dated, the 16th June, 1980

AWARD

By Notification No. L-20012/178/78-D.III(A) dated, the 25th January, 1979, the Central Government being of opinion that an industrial dispute exists between the employers in relation to the management of Gidi Coal Washery of Central Coalfields Limited and their workmen in respect of the matter specified in the Schedule to the reference, referred the dispute to this Tribunal for adjudication. The Schedule to the reference reads thus :

"Whether the action of the management of Gidi Washery of Central Coalfields Limited, Post Office Gidi, District Hazaribagh in terminating Sri Hazara Singh, Tyndal from service with effect from the 1st December, 1975 is justified ? If not, to what relief is the said workman entitled ?"

2. After notice the parties have filed their respective written statements. While the matter was pending before this Tribunal for adjudication on 11-6-1980 a settlement duly signed by the parties was filed before the Tribunal. The terms of the settlement were admitted by the parties. After going through the terms of the settlement I am satisfied that they are fair and reasonable. Accordingly award is passed in terms of the settlement to the effect that Sri Hazara Singh, the workman concerned whose services had been dispensed with by the Management will be paid his full gratuity for the period of service put in by him with the employers in terms of the payment of Gratuity Act, 1972 within a month from the date the award comes into force. As the workman does not press his claim for reinstatement he will not be entitled to reinstatement. The reference answered accordingly. The terms of the settlement filed by the parties shall form part of the Award.

B. K. RAY, Presiding Officer.

[No. L-20012/178/78-D.III(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1 AT DHANBAD.

Reference No. 10 of 1979

Employers in relation to the Management of Gidi Washery
of Central Coalfields Ltd.;

AND

Their Workmen.

The parties beg to state that they have come to a settlement out of court on the following terms :—

- (a) That Sri Hazara Singh, the workman concerned, whose services have been dispensed with by the Management will be paid his full gratuity for the period of service put in by him with the employers in terms of the Payment of Gratuity Act 1972 within a month.
- (b) That the workmen do not want to press the question of reinstatement of Sri Hazara Singh or claim any other relief.
- (c) That this is in full and final settlement of the dispute referred to the Hon'ble Tribunal.

Since the above settlement is fair and reasonable, it is prayed that the Hon'ble Tribunal will be pleased to record the same and give its award in terms of this settlement.

For & on Behalf of Workmen

S. N. Jha, Treasurer, United Coal
Workers' Union, Bhurkunda Branch,
Dhanbad 11th June 1980.

For & Behalf of Management.

R. S. MURTY, Director (Personnel),
Central Coalfields Ltd. Ranchi.

Part of the award

S.O. 1857.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Phularitand Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad and their workmen, which was received by the Central Government on the 21st June, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
(TRIBUNAL NO. 2) DHANBAD

Reference No. 3 of 1979

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Phularitand Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad;

AND

Their workmen

APPEARANCES :

On behalf of the employers—Shri B. Joshi, Advocate.

On behalf of the workmen—Shri Sankar Bose, Secretary, Rastriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, 16th June, 1980

AWARD

This is a reference under Section 10 of the I.D. Act, 1947, The Central Government by its notification No. L-20012/86/78-D.III(A) dated 8th February, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the action of the management of Phularitand Colliery of Messrs Bharat Coking Coal Limited, Post Office Nawagarh, District Dhanbad, in stopping from work Sarvashree Shilbcharan Munda and Lakhi Munda, Clay Cartridge Makers, with effect from the 4th July, 1977, is justified ? If not, to what relief are the said workmen entitled ?"

2. After the receipt of the reference written statements were filed by the employers as also by the workmen. The reference thereafter proceeded along its course and ultimately on 12-6-80 a joint petition of compromise was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. The contents of the joint petition of compromise were verified as correct from both the sides. As per the settlement it has been agreed that the two concerned workmen will be allowed to work as casual workmen in the wagon loading and other surface jobs and that they would be made permanent as soon as they would complete 240 days of attendance in any calendar year. The concerned workmen will have no claim for any wages for the idle period from 4-7-77 till the date of resumption of their work. The terms of settlement are beneficial to the parties and are accepted. Accordingly I pass the award in terms of the settlement which do form a part of the Award as Annexure A.

J. P. SINGH, Presiding Officer

[No. L-20012/86/78-D.III(A)]

ANNEXURE 'A'

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. II
DHANBAD

Reference No. 3 of 1979

Employers in relation to the Management of Phularitand Colliery;

AND

Their workmen.

Petition of Compromise

The humble petitioner on behalf of the Employers and the workman most respectfully sheweth :

1. That the parties named above have amicably settled the present dispute on the following terms :

Terms of Settlement

(a) It is agreed that the two concerned workmen will be allowed to work as Casual workmen in the wagon loading and other surface jobs within a week's time. They will be made permanent as soon as they will complete 240 days of attendance in any calendar year.

(b) The concerned workmen will have no claim for any wages for the idle period from 4-7-77 till the date of resumption of work.

That in view of the above settlement nothing remains to be adjudicated.

3. Under the facts and circumstances stated above, it is humble prayed that the settlement may kindly be accepted and the award may be passed in terms of the settlement.

For the workmen.

1. Signature of the workmen.

L.H.T. of Shri Shilbcharan Munda

L.H.T. of Shri Lakhi Munda.

Sd/-Illegible

Secy. R. C. M. S.

Dhanbad.

For the Employers.

Sd/-

Manager, Phularitand

colliery of Messrs
Bharat Coking Coal Ltd.,
Dhanbad.

New Delhi, the 28th June, 1980

S.O. 1858.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the Industrial dispute between the employers in relation to the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad and their workmen, which was received by the Central Government on the 24th June, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 39 of 1978

PARTIES :

Employers in relation to the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad;

AND

Their Workmen.

APPEARANCES :

For the Employers—Shri T. P. Choudhury, Advocate.

For the Workmen—Shri B. N. Sharma, Vice-President, Colliery Engineering Worker Association.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 20th June, 1980

AWARD

By Notification No. L-20012/6/77-D.III(A) dated, the 19th October, 1978, the Central Government being of opinion that an industrial dispute exists between the employers in relation to the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited and their workmen in respect of the matter specified in the Schedule to the reference, referred the dispute to this Tribunal for adjudication. The Schedule to the reference reads thus :

“Whether the action of the management of Noonodih-Jitpur Colliery of Messrs Indian Iron and Steel Company Limited, Post Office Bhaga, District Dhanbad, in dismissing Shri Rajendra Singh, Tyndal from service with effect from the 25th October, 1975, is justified? If not, to what relief is the said workman entitled?”

2. After receipt of the reference parties were noticed and they have filed their respective written statements. But before the case was taken up for disposal on merit a settlement with five copies thereof duly signed by the parties has been filed with a prayer that the dispute be disposed of in an award in terms of the settlement. On 19th June, 1980 when the settlement was filed before the Tribunal an order has been recorded that the terms of the settlement are fair and reasonable. An award, therefore, is passed saying that the concerned workman shall be reinstated in service by the employers from the date when he joins and that the concerned workman shall not be entitled to any back wages or any other benefits; that the entire period of absence shall be deemed to be leave without pay and that the continuity of his service will be maintained. A copy of the settlement shall form part of the award.

Sd/-

B. K. RAY, Presiding Officer.

[No. L-20012/6/77-D.III(A)]

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 39 of 1978.

The employers in relation to the management of Noonodih-Jitpur Colliery of M/s. IISCO;

AND

Their workmen.

Petition of Compromise

The parties have agreed to settle their differences amicably and after discussions, it has been agreed as follows :—

1. That the concerned workman, Sri Rajendra Singh will be reinstated in service by the employers from the date of joining under this settlement.
2. That the concerned workman shall not be paid any back wages or any other benefit and the entire period of his absence will be deemed to be leave without pay and thus continuity of his service will be maintained.
3. That since the above settlement is fair and reasonable, the parties have jointly agreed to file this compromise petition.
4. The parties therefore pray that the Hon'ble tribunal will be pleased to record this compromise and give his award in terms thereof. A copy of this compromise/settlement may be made a part of the award.

For and on behalf of

Workmen.

B. N. SHARMA,

Vice-President

Colliery Engineering

Worker Association.

RAJENDRA SINGH

Part of the Award.

For and on behalf of the Management

Indian Iron & Steel Co. Ltd.,

Noonodih-Jitpur Colliery.

S.O. 1859.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in respect of a complaint under Section 33A of the said Act filed by Shri Jag Narain Koeri Guard, Bhowra (S) Colliery C/o Shri J.D. Lall Advocate, Dhanbad Court, Dhanbad against the management of Messrs Bharat Coking Coal Limited through the General Manager, Area No. XI, Post Office Bhowra, District Dhanbad, which was received by the Central Government on the 23rd June, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Complaint No. 1 of 1977

PARTIES :

Shri Jag Narain Koeri, Guard, Bhowra (S) Colliery, C/o Shri J. D. Lall, Advocate, Dhanbad Court, Dhanbad—Complainant.

Vs.

M/s. Bharat Coking Coal Ltd., through the General Manager, Area No. XI, P.O. Bhowra, District Dhanbad—Opposite Party.

APPEARANCES :

For the Complainant—Shri J. D. Lal, Advocate.

For the Opposite Party—Shri G. Prasad, Advocate.

INDUSTRY : Coal

STATE : Bihar

Dated, the 13th June, 1980

AWARD

This is complaint U/S 33-A of the Industrial Disputes Act, 14 of 1947 in Reference No. 44 of 1969.

2. The allegations made in the complaint are that the workman herein was originally employed in or about 1961 as a D.C. Loader in Bhowra South Colliery. As he was afflicted with Tuberculosis he was given a light surface duty as a Night Guard with effect from 12th March, 1976. On 1st April, 1976 he was served with a chargesheet along with Kali Passi, D. C. Loader and Satish Mahato, Dragger asking him to show cause why action should not be taken against him for negligence or neglect of duty in connection with the offence of theft of a coal drill and trailing cable from the place of work. The complainant submitted an explanation stating that the said property was not there even at the time he took charge during the third shift. As the explanation was not found acceptable, an enquiry was held on 19th April, 1976. The Enquiry Officer after recording the evidence found the complainant guilty and on the basis of that finding the management imposed the punishment of dismissal from service with effect from 16th September, 1976. Ever since he has been sitting idle. The complainant submits that the order of dismissal passed by the management is illegal, unjustified and in the nature of an unfair labour practice. It is also pleaded that the enquiry was conducted without following the principles of natural justice and that the Enquiry Officer's findings are perverse and based on no evidence. It is also stated that the order of dismissal was not passed by the competent authority. The complainant claims to be one of the concerned workman in the industrial dispute which is the subject matter of Reference No. 44 of 1969 on the file of this Tribunal. He submits that during the pendency of that dispute the management was not justified in dismissing him from service without following the provisions of Section 33(2)(b) of the Industrial Disputes Act. For these reasons the workman prays that he may be reinstated in service with full back wages.

3. The management filed a written statement pleading that by the date of filing of this complaint the industrial dispute covered by Reference No. 44 of 1969 was already disposed of and after the date of disposal of the Reference, this complaint U/S 33-A is not maintainable. It is also pleaded that since this industrial dispute arose long prior to the date of take over and nationalisation, it cannot be said there was any industrial dispute between the Government Company and their workmen. It is also contended that the dispute which was the subject matter of Reference No. 44 of 1969 was not a valid industrial dispute in the eye of law as the same was raised during the operation of the settlement dated 30th November, 1969 without terminating the same. They take the stand that the enquiry was conducted according to law, and the principles of natural justice. The offence in question is said to have been made out on the evidence placed before the Enquiry Officer. The offence being of a serious nature the punishment of dismissal cannot be said to be excessive. They say there is no violation of the provisions of Section 33(2)(b) of the Industrial Disputes Act. It is prayed that this complaint may be dismissed.

4. The two preliminary objections raised on behalf of the management viz (1) whether there was a valid industrial dispute pending by the date of the commencement of the departmental proceedings against the complainant and (2) whether this complaint filed long after the disposal of the Reference is maintainable are tried and held against the management as per this Court's order dated 13th August, 1979. The fairness and the propriety of the departmental enquiry was considered and answered against the complainant by this Court's Order dated 25th February, 1980. The other points that arise for consideration in this complaint are—

- (1) Whether the findings of the Enquiry Officer holding the complainant guilty is based on proper evidence and sustainable ?

- (2) Whether the punishment of dismissal imposed on the complainant is disproportionate to the offence committed by him ?

- (3) To what relief ?

5. Point (1).—The complainant who was working as a D. C. Loader for several years was medically found to be unfit to work in that capacity. With effect from 12th March 1976 he was given a light surface job of a Night Guard. On the night intervening 31st March 1976 and 1st April, 1976 the workman herein along with Kali Passi and Satish Mahato was posted as a Night Guard in the third shift from 0 hrs. to 8 a.m. It is the case of the management that during their shift duty a coal drill and a trailing cable 50 ft. in length worth about Rs. 2500 were stolen from the place of work. The complainant was charge-sheeted for negligence or neglect of work along with the other two Night Guards Kali Passi and Satish Mahato. The charge-sheet reads as follows :

"It has been reported that on 31st March, 1976 while you had your 3rd shift duty you all the three were employed as Night Guards at M. B. Quarry, a coal drill and trailing cable 50' length amounting to Rs. 2500 have stolen away from your place of work, this has happened either due to your connivance or negligence in duty.

The above violated clause No. 27(2) and (6) of the Certified Standing Orders.

You are hereby suspended pending enquiry."

The complainant submitted his explanation to the charge-sheet on 2nd April 1976 stating that even by the time he took charge during third shift the property in question was missing. It is also alleged that the Night Guards in the second shift being in a drunken condition were not in a position to answer his query whether everything was all right. The following morning i.e. on 1st April, 1976 he reported to the Quarry Munshi, Madhu Mondal that the property in question was missing. The authorities not being satisfied with this explanation held an enquiry. Before the Enquiry Officer Sri B. D. Singh, (MW-1) 4 witnesses were examined viz. (1) S. C. Sarkar, Asstt. Coal Manager, (2) Sattar Ansari, (3) Sita Bhuiya the Night Guards in the Second shift and (4) Madhu Mondal, Quarry Munshi who received the report regarding the missing of property. On behalf of the charge-sheeted employees one Bhagirathi Mahato was examined. The statements of the complainant and the other two charge-sheeted employees were also recorded. On the basis of this evidence the Enquiry Officer recorded the following finding :

"On going through the above it is quite apparent that all the three charge-sheeted workmen have not discharged their duties with responsibility, otherwise they could have reported this fact at the very beginning to their superior authorities. Thus the charges levelled against them are fully proved and established beyond doubt. They should be held responsible for the theft committed during their duty hours."

Shri J. D. Lal for the workman submits that the above evidence is not sufficient to sustain the finding of theft, fraud or dishonesty in connection with the company's work or property or the finding of habitual negligence or neglect of work. He further submits that even if there was negligence or neglect of duty in respect of this one incident, there is no warrant for the finding of 'habitual negligence or neglect of duty'.

6. The oral evidence recorded by the Enquiry Officer consists of the two Night Guards in the second shift, the Quarry Munshi that reported the loss of property and the Asstt. Colliery Manager that lodged the complaint on the basis of which the charges are framed. The Night Guard, Sattar Ansari deposed that on 31st March, 1976 he was posted as Night Guard in the second shift i.e. from 4 p.m. to 12 midnight. At about 12 midnight the Night Guards of the third shift viz. the complainant and the other two charge-sheeted employees reported themselves for duty and that he handed over charge to them. In the cross-examination of this witness he was not asked whether being under the influence of

drink he and the other Night Guard Sita Bhuiya were not in a position to answer the question put by the charge-sheeted employees regarding the property in their charge being intact. On the other hand the witness stated in his cross-examination that he had handed over charge of the property to the charge-sheeted employees without any complaint from them. The other Night Guard in the second shift Sita Bhuiya while corroborating the evidence of Sattar Ansari stated that they had handed over to the third shift Guards (C.S. Es) two drill cables in 8 rolls, three iron sheets and switch. To this witness also the suggestion, that he was in a drunken condition and not in a position to answer the question put by the charge-sheeted employees regarding the property being intact, was not put. The statement of the complainant Jag Narayan Kori before the Enquiry Officer is to the effect that he and the other two Night Guards (the other two C.S.Es) found the second shift Guards Sattar Ansari and Sita Bhuiya in a drunken condition. They were not in a position to hand over charge to them. So he and the other two charge-sheeted employees went round the area within their beat and found one drill in front of the getand box intact and the other drill to the west of it missing. On noticing that one drill was missing they wanted to ascertain from the second shift guards as to what had happened to it but by then they had left the place. The complainant and the other two Guards (C.S.Es.) discussed the matter among themselves and came to the conclusion that the said drill must have been removed for effecting some repairs and therefore not necessary to bring this fact to the notice of the Manager immediately. The other (C.S. Es.) Kali Passi corroborated the evidence of the complainant. The third charge-sheeted employee stated that he had nothing more to add to what he had already stated in his explanation to the charge-sheet.

7. Sri J. D. Lal argued that the above evidence is not sufficient to sustain a finding of theft or fraud or dishonesty in connection with company's business or property. True the above evidence does not show that the complainant and the other two charge-sheeted employees were guilty of theft or fraud but their conduct on the night in question does not absolve them from blame. The above evidence probabilities the charge that the theft took place during the third shift itself. Even otherwise admittedly the complainant and the other two Guards found the drill in question missing soon after or just before assuming charge. The complainant's duty as also that of the other two Guards was to bring this fact to the month of the concerned officer. It was dereliction of duty on his part to have kept quiet till the next day especially when according to him the property was not there even by the time he took over charge from the second shift Guards. This conduct of his cannot be said to be honest in connection with the company's property.

8. Regarding the other finding that the complainant was guilty of habitual negligence or neglect of work, Sri J. D. Lal is right when he says that on the strength of one solitary instance the complainant cannot be said to be guilty of habitual negligence or neglect of work. The statement made in para 2 of the complaint petition that with effect from 12th March, 1976 the complainant was posted as a Night Guard is not disputed. The property was stolen on the night intervening 31st March 1976 and 1st April, 1976. Within such a short period of service as Night Guard there could not have been many such instances of theft or damage to property nor is it the case of the management that there were any such instances during this short period. Sri G. Prasad for the management submits that so far as the offence of neglect of work is concerned it is not necessary for the management to establish habitual neglect of work. One instance of neglect of work is sufficient to sustain a finding of neglect of work. Certified Standing Order 27(6) reads as follows :

"27(6)—Habitual negligence or neglect of work".

Sri J. D. Lal on the other hand submits that the word 'habitual' occurring in 27(6) of Certified Standing Order (habitual negligence or neglect of work) governs both negligence as well as neglect of work and therefore to attract the provisions of Certified Standing Order 27(6) habitual neglect of work has to be established. In support of this contention reliance is placed on the decision reported in 1974 L.I.C. page 1496 (Madras High Court) and this supports Sri Lal's contention.

9. On the above evidence and for the aforesaid reasons, I hold that the evidence placed on the record justifies the finding of dishonesty in connection with the company's business or property and that the officers of habitual negligence or neglect of work within the meaning of Certified Standing Order 27(6) is not made out. Point (1) found accordingly.

10. Point (2).—Sri Lal Submits that the punishment of dismissal imposed on the complainant is disproportionate to the offence he is found guilty of. It is not Sri Lal's case that for the misconduct of dishonesty in connection with the company's business or property, the punishment of dismissal cannot be imposed. His plea is that a less severe punishment may be awarded on the facts and circumstances of the case. He says having regard to the fact that the complainant is an inexperienced Night Guard with hardly 20 days standing this case of dereliction of duty may be leniently dealt with. One would expect a newly appointed night guard to be more vigilant and dutiful especially when he was given that post after he was medically disqualified for underground work. Still I feel that the punishment of dismissal may be reduced to one of reinstatement in service with 20 per cent of the back wages (without consequential benefits like Attendance Bonus and Profit Sharing Bonus). Point (2) found accordingly.

11. Point (3).—In the result the respondent is directed to reinstate complainant in service with effect from 16th September 1976 with 20 per cent of the back wages without any other consequential benefits like Attendance Bonus or Profit Sharing Bonus. This Complaint petition is accordingly allowed.

P. RAMAKRISHNA, Presiding Officer.

[No. L-20025(8)|80-D.III(A)]

S.O. 1860.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited. At and Post Office Jamadoba, Dhanbad and their workmen, which was received by the Central Government on the 24th June, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL (NO. 2), DHANBAD

Reference No. 79 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Jamadoba Colliery of Messrs Tata Iron and Steel Company Limited. At & Post Office Jamadoba, Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen—Shri Samiron Pal, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, the 19th June, 1980.

AWARD

This is a reference under Section 10 of the I. D. Act, 1947. The Central Government by its notification

No. L-20012/195/7/DHIA dated 7th October, 1977 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the action of the management of Jamadoba Colliery of Messrs Tata Iron & Steel Company Limited, Post Office Jamadoba, District Dhanbad in terminating the services of Shri Asgar, Mechanical Fitter with effect from 9th March, 1977 is justified? If not, to what relief is the workman entitled?"

2. The concerned workman Shri Asgar was a permanent mechanical fitter of Jamadoba colliery of M/s. Tata Iron & Steel Co. and has been serving the company for a period more than 20 years. He was discharged on 9-3-77 on medical ground. The workman's case is that the management in discharging him acted in a mala fide and vindictive manner.

3. According to the management Shri Asgar was appointed as fitter mazdoor on 17-4-1945 and was promoted as mechanical fitter on 26-5-1976 at Jamadoba colliery. He fell sick from 7-1-76 and was declared as T.B. patient and thereafter he was referred to the Central Hospital, Dhanbad for treatment. In the month of June, 1976 Shri Asgar was declared fit to resume his duty by the T. B. Hospital, Dhanbad. He came to the colliery sometime in June, 1976 and was advised to appear before the Medical Board as per the prevailing procedure of the company. The medical board examined Shri Asgar on several occasions viz., 2nd, 9th, 23rd June, 1976 and also on 15th and 22nd September, 1976 for ascertaining if Shri Asgar was fit to resume duty as mechanical fitter. The medical board deferred from the opinion of the T.B. Hospital, Dhanbad about the fitness for duty of Shri Asgar and thereafter the Surgeon-in-charge of the company had discussions with the T.B. Officer of the Central Hospital, Dhanbad. Ultimately the Surgeon-in-charge of the company was of the view that Shri Asgar was not in a position to stand the strain of the work in the colliery as a mechanical fitter. The medical board of the company finally examined Shri Asgar on 9-3-77 and was of the opinion that Shri Asgar was unfit for the original job due to extensive lung damage and so he could not stand the strain of his work in the colliery as an underground mechanical fitter. It was thereafter that Shri Asgar was discharged from the Steel company's service with effect from 9-3-77 on medical ground. The management denied the discharge of Shri Asgar as mala fide and it was asserted that after the termination of services of Shri Asgar, his son was appointed in the service of the company on compassionate ground.

4. The management has placed on the record all the necessary relevant papers with regard to the treatment given to Shri Asgar. Ext. M-1 is the medical board report dated 9-6-76. Shri Asgar was found to be a active case of T.B. A continuous treatment was suggested and was asked to re-appear after three months. In Ext. M-2 the Regional Manager (colliery) wrote to the Surgeon-in-charge, Central Hospital, Jamadoba to take up the case of Shri Asgar with the Central Hospital, Dhanbad to know their opinion. Under Ext. M-3 Shri Asgar was required to appear before the medical board. Under Ext. M-4 he was examined and advised to take treatment for one month more and thereafter to re-appear for review before the medical board. Under Ext. M-5 the medical board found no improvement and in their opinion Shri Asgar was unfit for his original job due to extensive lung damage so that he could not stand the strain of his work in the colliery as an underground mechanical fitter. Under Ext. M-6 Shri Asgar was informed by the Agent, Jamadoba Group of Collieries that he was discharged from company's service w.e.f. 9-3-77 on medical ground. Ext. M-7 is a representation of Shri Asgar under which he made a prayer to consider his case and to allow employment to one of his sons who was idle. Ext. M-8 shows that the representation was rejected stating that his son Shri Allauddin has already been employed at Coal Washing Plant as category I mazdoor w.e.f. 9-7-73.

5 Dr. A. K. Sur, WW. 1 was examined on behalf of the workmen in this case. In October, 1976 he was posted as T.B. Specialist in the Central Hospital, Dhanbad. He says that one Shri Asgar of Jamadoba colliery of TATA's was sent to him for treatment as referred to by the Surgeon-in-charge. He had thoroughly examined the concerned work-

man before he gave his report, Ext. W. 1. In his opinion the concerned workman was fit to resume his duty. According to him Shri Asgar should have been allowed to go and join and then tested whether he was actually able to perform the duties. It was only thereafter that a final opinion could be given whether he was medically fit to work. Furthermore, he has said that the test period should for a month or six weeks. In his cross-examination he has said that he was not in a position to say whether Shri Asgar was an underground of surface worker. He has admitted that the strain to the underground worker is slightly more than the strain to the surface worker. He was shown Ext. M-5 which is a report of the medical board of the Central Hospital, Jamadoba and has deposed that he did not agree with that opinion..

6. MW. 1 Dr. V. K. Srivastava has been examined. He has proved the exhibits which I have mentioned above. In his evidence he has said that as a mechanical after Shri Asgar's duties was to work underground. In his opinion Shri Asgar could not be in a position to stand the strain to work underground. In his cross-examination he has said that he did not consider it proper to put Shri Asgar on a job underground as mechanical fitter because it would be hazardous to his health. He further did not recommend that Shri Asgar should be given some light job on the surface. According to him the Board constituted by the company was competent to examine the opinion of the Central Government Doctors.

7. The case of the concerned workman rests with the question whether the opinion of the Central Government doctors should be preferred to the opinion of the doctors of the company. In this context it has been made clear that the union had taken up the case of Shri Asgar and this was the reason why the opinion of the Doctors of the Central Government Hospital was taken. Now let us see what is the opinion of the Doctor. It is contained in Ext. W. 1. I am quoting below the last paragraph of the letter addressed by the T. B. Specialist of the Central Government Hospital, Dhanbad to the Surgeon-in-charge of the Company :

"In view of the above findings we feel the patient may be allowed to do duties but if you feel Sri Asgar can not stand the strain of his work in the colliery (which I feel you are the best judge at the spot), he may be given the duties on the surface or some alternative job as you think best, X-Ray chest dated 3-6-76 is returned herewith."

8. It has been contended by the Advocate for the management that all that the Central Government Specialist recommended was that a working test should be applied in the case of Shri Asgar. He has contended that this possibly could not be done because it meant a permanent health hazard to the concerned workman. After the opinion of the Central Government doctor, the concerned workman was examined a number of times at intervals and ultimately the medical board was of the confirmed opinion that Shri Asgar could not be allowed to do the job in the colliery. The learned Advocate for the management has repeatedly said that the management had no other intention but to consider the precious life of the workman which was bound to suffer if he was allowed to continue in his job and ultimately when the medical board gave a firm opinion he was discharged from service. He has also referred to SCLJ, Vol. I—Page 6 in support of his contention that an employer was the authority to consider whether the opinion of the Government doctor should be accepted. In this particular case they placed their reliance on the opinion of their doctor. It has been contended before me on behalf of the management that the doctors of the colliery were the best judge to consider the job condition of Shri Asgar. Therefore the employer was bound to rely on the opinion of their doctor. Moreover, the Surgeon-in-charge had thoroughly discussed the case of Shri Asgar with the T.B. Specialist of the Central Hospital, Dhanbad.

9. It has been contended before me on behalf of the workman that the discharge was mala fide. It was pointed out that there was no notice of termination of service was given to the concerned workman and secondly, the termination was with retrospective effect. Ext. M-6 is the letter of discharge and it is dated 1-4-77. It was to be effective from 9-3-77. The learned Advocate for the management has contended that Shri Asgar was under prolonged illness and was not doing his job. He had exhausted all leave. It has been pointed

out to me that para 13 of the Standing Order of the company was not complied with which may be quoted below :

"13—For terminating employment whether by the management or by an employee notice shall be given in writing by the party concerned.

- (a) One month's notice for monthly paid staff,
(b) One week's notice for weekly paid employees."

It is clear that under this provision of the Standing Order Shri Asgar should have been given one month's notice or one month's pay in lieu thereof. The discharge order did not consider the provision of para 13 of the Standing Order. Consequently, since he was a permanent employee, it does not stand to reason that the termination could have been with retrospective effect. It had to be effective from the date of discharge from service. But this action of the management could not be said to be on the ground of mala fide or any vindictiveness. What I mean to say is that the management did not consider the provision of the Standing Order and apparently for no reason whatsoever made the discharge order effective from 9-3-77 when the medical board gave its opinion.

10. Thus having considered all aspects of the case I have to hold the following :

- (1) The termination of service of Shri Asgar, Mechanical Fitter by the management of Jamadoba colliery of Messrs Tata Iron & Steel Company Limited, Post Office Jamadoba District Dhanbad was justified on the medical ground.
- (2) The discharge of Shri Asgar w.e.f. 9-3-77 could not be justified and instead he should have been discharged w.e.f. 1-4-77.
- (3) Since Shri Asgar was not served with notice of termination of his services, he is entitled to one month's pay, calculating from the date of discharge i.e. from 1-4-77.
- (4) While the discharge order is upheld the management should re-calculate the amount of dues on the basis of discharge w.e.f. 1-4-77 and should also allow him one month's pay in lieu of notice.

This is my award.

J. P. SINGH, Presiding Officer.

[No. L-20012/195/77-D. III. (A)]

S. H. S. IYER, Desk Officer

आदेश

नई दिल्ली, 7 जुलाई 1980

का० आ० 1861—मेसर्स भारत कोकिंग कोल लिमिटेड के भौरा एरिया के अन्तर्गत तमरा कोलियरी, डाकघर भौरा, जिला धनबाद (बिहार) के प्रबंधन से एक औद्योगिक विवाद सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व बिहार कोलियरी कामगार यूनियन करती है, विद्यमान है ;

और उक्त नियोजकों और उनके कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को माध्यस्थ के लिए

निर्देशन करने का करार कर लिया है और उक्त माध्यस्थ करार की एक प्रति केन्द्रीय सरकार को भेजी गई है ;

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त करार को, जो उसे 16 जून, 1980 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) पक्षकारों के नाम :

- (i) बिहार कोलियरी कामगार यूनियन (सीटू) रिक्यूजी मार्किट, टैम्पल रोड, धनबाद।
- (ii) मेसर्स भारत कोकिंग कोल लिमिटेड के भौरा एरिया के अन्तर्गत तमरा कोलियरी का प्रबंधन, डाकघर भौरा, जिला धनबाद (बिहार)।

नियोजकों का प्रतिनिधित्व करने वाले:—

श्री एम० एम. विश्वनीर्षी, महाप्रबन्धक, भौरा एरिया, डाकघर भौरा (धनबाद) बी० सी० सी० एल०।

कर्मचारों का प्रतिनिधित्व करने वाले : श्री एम० के० बबशी, जनरल सेक्रेटरी, बी० सी० के० यू० (सीटू०) रिक्यूजी मार्किट, टैम्पल रोड, धनबाद।

पक्षकारों के बीच निम्नलिखित विवाद को श्री बी० बी० रामाचन्द्रन क्षेत्रीय श्रमायुक्त (केन्द्रीय) धनबाद, के माध्यम्य के लिए निर्देशन करने का करार किया गया है।

(1) विनिर्दिष्ट विवाद प्रस्त विषय :

"क्या मेसर्स भारत कोकिंग कोल लिमिटेड की तमरा कोलियरी, डाकघर भौरा, जिला धनबाद के प्रबंधन की सर्वश्री रामलाल सतनामी और तीन अन्य व्यक्तियों को नौकरी से बरखास्त करने की कार्यवाही न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुवीच के हकदार हैं।

(2) विवाद के पक्षकारों का विवरण 1. जनरल सेक्रेटरी, बिहार कोलियरी कामगार यूनियन (सीटू) जिसमें अंतर्बलित स्थापन या उप-क्रम का नाम और पता भी रिक्यूजी मार्किट, टैम्पल रोड, धनबाद है।

2. महाप्रबन्धक, बी० सी० सी० एल०, भौरा एरिया, डाकघर भौरा, जिला धनबाद।

(3) यदि कोई संघ प्रत्यक्ष कर्मचारों बिहार कोलियरी कामगार यूनियन का प्रतिनिधित्व करता हो तो उसका (सीटू) रिक्यूजी मार्किट, टैम्पल रोड, धनबाद। नाम।

(4) प्रभावित उपक्रम में नियोजित 626 कर्मचारों की कुल संख्या

(5) विवाद द्वारा प्रभावित या सम्भवतः 4 प्रभावित होने वाले कर्मचारों की प्राक्कलित संख्या

हम यह करार भी करते हैं कि मध्यस्थ का विनिश्चय हम पर बाध्यकारी होगा। मध्यस्थ अपना पंचाट समुचित सरकार द्वारा सरकारी राजपत्र में इस करार के प्रकाशन की तारीख से तीन मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाय, देगा। यदि पूर्व बणित कालावधि के भीतर पंचाट नहीं दिया जाता

तो माध्यस्थ के लिए निर्देश स्वतः रद्द हो जाएगा और हम नए माध्यस्थ के लिए बातचीत करने का स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

कर्मचारों का प्रतिनिधित्व करने वाले नियोजकों का प्रतिनिधित्व करने वाले

ह०/—एस० आर० वयशी, जनरल सेक्रेटरी,
ह०/—बी०सी० के० यू० (सीटू) ह०/—एस० एम० बिशनोई,
महाप्रबन्धक, भोरा एरिया,
डाकघर भोरा (धनबाद)

ह०/-

साक्षी

1. ह०/—(एन० के० पी० मिन्हा), कार्मिक प्रबन्धक, भोरा एरिया,
डाकघर भोरा (धनबाद)।

2. ह०/—एस० सी० गौड़ उप कार्मिक प्रबन्धक, भोरा एरिया, डाकघर
भोरा (धनबाद)।

में मध्यस्थ के रूप में कार्य करने के लिए अपनी सहमति देता हूँ।

ह०/—

(डी० वी० रामाचन्द्रन),
क्षेत्रीय श्रमायुक्त (केन्द्रीय),
धनबाद।

[सं० एन-20013/5/80-डी०-3(ए०)]

New Delhi, the 7th July, 1980

S. O. 1861.—Whereas an industrial dispute exists between the employers in relation to the management of Tasra Colliery under Bhowra Area of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad (Bihar) and their workmen represented by Bihar Colliery Kamgar Union;

And, whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 16th June, 1980.

AGREEMENT

(Under Section 10A of the Industrial Dispute Act, 1947)

Name of the Parties . . . (i) Bihar Colliery Kamgar Union (CITU) Refugee Market, Temple Road, Dhanbad.
(ii) Management of Tasra Colliery under Bhowra Area of M/s. B.C.C.L., P.O. Bhowra, District Dhanbad (Bihar).

Representing Employer Sri. S.S. Bishnoi, General Manager, Bhowra Area, P.O. Bhowra (Dhanbad) B.C.C.L.

Representing Workman . . . Sri S.K. Bakshi, General Secy., B.C.K.U. (CITU). Refugee Market, Temple Road, Dhanbad.

It is hereby agreed between the parties to refer the following dispute to the arbitration of Sri D. V. Ramachandran, Regional Labour Commissioner (C), Dhanbad.

(i) Special matters in dispute:

“Whether the action of the Management of Tasra Colliery of M/s. Bharat Coking Coal Ltd., P.O. Bhowra, District Dhanbad in dismissing S/Shri Ramlal Satnami and 3 others is justified? If not, to what relief are the said workmen entitled to?”

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(i) General Secretary, Bihar Colliery Kamgar, Union (CITU) Refugee Market, Temple Road, Dhanbad.
(ii) General Manager, BCCL; Bhowra Area, P.O. Bhowra, District Dhanbad.

(iii) Name of the Union representing workman in question.

Bihar Colliery Kamgar Union (CITU) Refugee Market, Temple Road, Dhanbad.

(iv) Total No. of workmen employed in the undertaking affected.

626

(v) Estimated No. of workmen affected or likely to be affected by dispute.

4

(vi) We further agree that the decision of the Arbitrator be binding on us. The Arbitrator shall make his award within a period of 3 months from the date of publication of the agreement in official Gazette by appropriate Government or within such further time as extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to the Arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh Arbitration.

SIGNATURE OF THE PARTIES.

Representing Workman.

Representing Employer.

Sd/-

Sd/-

(S.K. BAKSHI)
General Secretary,
B.C.K.U. (CITU).

(S.S. BISHNOI)
General Manager,
Bhowra Area, P.O.
Bhowra (Dhanbad).

Witnesses:—

Sd/-

(N.K.P. SINHA)
Personnel Manager,
Bhowra Area, P.O.
Bhowra (Dhanbad).

Sd/-

(S.C. GAUR)

Dy. Personnel Manager,
Bhowra Area, P O
Bhowra, (Dhanbad)I hereby give my consent as
an Arbitrator.

Sd/-

(D.V. RAMCHANDRAN)
Regional Labour Com-
missioner (C), Dhanbad

[No.L-20013/5/80-D.III(A)]

का० आ० 1862.—मैसर्स भारत कोकिंग कोल लिमिटेड की इन्डस्ट्री कोलियरी, कुसुंदा, डाकघर कुमुदा, जिला धनबाद के प्रबन्धन क्षेत्र में सम्बद्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच, जिनका प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ करता है, विद्यमान है,

और उक्त नियोजकों और उनके कर्मचारियों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को माध्यस्थता के लिए निर्देशित करने का करार कर लिया है और उक्त माध्यस्थता करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (3) के उपबन्धों के अनुसरण में, केन्द्रीय सरकार उक्त माध्यस्थता करार को, जो उसे 17 जून 1980 को मिला था, एतद्वारा प्रकाशित करती है।

करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले 1 श्री जी० बी० घुग्ड़े,

एजेंट,

मैसर्स भारत कोकिंग कोल
लिमिटेड की इन्डस्ट्री कोलियरी,
कुसुंदा डाकघर कुमुदा, जिला
धनबाद।

कर्मचारियों का प्रतिनिधित्व करने वाले :

1 : श्री जी० डी० पांडे, सेक्रेटरी,
राष्ट्रीय कोलियरी मजदूर संघ,
माइकल जान स्मृति भवन,
राजेन्द्र पथ, धनबाद।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री डी० बी० रामचन्द्रन, क्षेत्रीय श्रमायुक्त (केन्द्रीय), धनबाद के माध्यस्थता के लिए निर्देशित करने का करार किया गया है।

340 GI/80—3

(1) विनिर्दिष्ट विवादों पर विषय :

"क्या इन्डस्ट्री कोलियरी के फिटर इन्चार्ज या रागदत्त विश्वकर्मा को उनके कार्य के स्वरूप के अनुसार उचित मजदूरी और ग्रेड दिया गया है या नहीं? यदि नहीं तो कर्मकार किम अनुलोप का हकदार है और किम तारीख से?"

(2) विवाद के पक्षकारों का विवरण

(1) जिसमें अर्न्तर्निहित स्थापन या उपक्रम का नाम और पता भी सम्मिलित है।

(1) मैसर्स भारत कोकिंग कोल लि० की इन्डस्ट्री कोलियरी, डाकघर धनसार, जिला धनबाद के प्रबन्धन क्षेत्र में संबद्ध नियोजक।

(2) राष्ट्रीय कोलियरी मजदूर संघ माइकल जान स्मृति भवन, राजेन्द्र पथ, धनबाद।

(3) कर्मकार का नाम, यदि वह स्वयं विचार में अर्न्तर्गस्त है या यदि कोई संघ प्रणयन कर्मकार या कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम।

श्री रामदेव विश्वकर्मा, फिटर इन्चार्ज मैसर्स भारत कोकिंग कोल लि० की इन्डस्ट्री कोलियरी, जिसका प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ माइकल जान स्मृति भवन, राजेन्द्र पथ, धनबाद करता है।

(4) प्रभावित उपक्रम में नियोजित 1700 (एक हजार सात सौ) कर्मकारों की कुल संख्या :

(5) विवाद द्वारा प्रभावित या संभाव्यतः केवल एक प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या :

हम यह करार भी करते हैं कि मध्यस्थ/मध्यस्थों का बहुमत त्रिनिधय हम पर प्राबल्य कर होगा यदि भिन्न-भिन्न विचार रखने वाले मध्यस्थों की संख्या बराबर-बराबर है, तो वे किसी अन्य व्यक्ति को निर्णायक (एम्पायर) के रूप में नियुक्त करेंगे जिसका पंचाट हम पर प्राबल्य कर होगा।

मध्यस्थ अपना पंचाट समुचित सरकार द्वारा सरकारी राजपत्र में इस करार के प्रकाशन की तारीख से 90 (नब्बे) दिन की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाए, देगा/देंगे। यदि पूर्ववर्णित कालावधि के भीतर पंचाट नहीं दिया जाता तो मध्यस्थ के लिए निर्देश स्वतः रद्द हो जाएगा और हम तब माध्यस्थता के लिए वापसी करने को स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले : कर्मचारियों का प्रतिनिधित्व करने वाले :

ह०/- श्री० बी० घुग्ड़े, एजेंट ह०/- श्री० डी० पांडे, सेक्रेटरी,
इन्डस्ट्री कोलियरी राष्ट्रीय कोलियरी मजदूर संघ

साक्षी

1. ह०/- अपठित, एगिया कामिक प्रबन्धक,

एगिया नं० 6, कुमुदा

2. ह०/- रामदेव विश्वकर्मा

मैं मध्यम के ह० में कार्य करने के नि० खाती म०म० देता हूँ ।

ह०/-

(ह० बी० रामाचन्द्रन)

क्षेत्रीय श्रमालु (केन्द्रीय) धनबाद

[म०म० ए०-20013/6/80-डी० 3(ए)]

ए० ए० ए० ए० ए०

देसक अधिकारी

S.O. 1862 Whereas and industrial dispute exists between the employers in relation to the management of Industry Colliery of Messrs Bharat Coking Coal Limited, Kusunda, Post Office Kusunda, District Dhanbad and their workmen represented by Rashtriya Colliery Mazdoor Sangh;

And whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 17th June, 1980.

AGREEMENT

Under Section 10-A of the Industrial Disputes Act, 1947

BETWEEN

NAME OF THE PARTIES :

Representing Employers: Shri G.V. Dhurde, Agent, Industry Colliery of M/s. Bharat Coking Coal Ltd., of Area : Kusunda, P.O Kusunda, Dt. Dhanbad.

Representing Workman: Shri G.D. Pandey, Secretary, Rashtriya Colliery Mazdoor Sangh, Michael John Smriti Bhawan, Rajendra Path, Dhanbad.

It is hereby agreed between the parties to refer the following dispute to the Arbitration of Shri D.V. Ramachandran, Regional Labour Commissioner (Central), Dhanbad;

(i) Specific matters in dispute :

"Whether Shri Ramdeo Vishwakarma, Fitter-in-Charge, Industry Colliery, has been given proper wages and grade according to the nature of his jobs or not? If not, to what relief the workman is entitled and from what date?"

(ii) Details of the parties to the dispute (including the name & address of the establishment or undertaking involved):

1. Employers in relation to the management of Industry Colliery of Messrs. Bharat Coking Coal Limited, P. O. Dhansar, District Dhanbad.

2. Rashtriya Colliery Mazdoor Sangh, Michael John Smriti Bhawan, Rajendra Path, Dhanbad.

(iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question :

Shri Ramdeo Vishwakarma, Fitter-in-Charge, Industry Colliery of Messrs Bharat Coking Coal Limited, represented by Rashtriya Colliery Mazdoor Sangh, Michael John Smriti Bhawan, Rajendra Path, Dhanbad.

(iv) Total number of workmen employed in the undertaking affected :

1700 (One thousand and seven hundred).

(v) Estimated number of workmen affected or likely to be affected by the dispute :

One only.

We further agree that the majority decisions of the Arbitrator(s) shall be binding on us/that in case the Arbitrators are equally divided in their opinion that they shall appoint another person as umpire whose award shall be binding on us.

The Arbitrator(s) shall make his (their) award within a period of 90 (ninety) days from the date of publication of this agreement in the Official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period afore-mentioned, the reference to arbitration shall stand cancelled and we shall be free to negotiate for fresh arbitration.

SIGNATURE OF THE PARTIES

Representing Employers :

Sd/-G.V. Dhunde (Agent) Industry Colliery

Workman/Representing Workman

Sd/-G.D. Paddey (Secretary) Rashtriya Colliery Mazdoor Sangh

Witnesses :

1. Sd/-Illegible (Area Personnel Manager Area No. VI KUSUNDA)

2. Sd/- Ram Deo Vishwakarma I hereby give my consent as an Arbitrator.
(D. V. RAMACHANDRAN)
Regional Labour Commissioner (C) DHANBAD.

[L-20013(6)/80-D.III(A)]

S. H. S. IYER, Desk Officer

नई दिल्ली, 30 जून, 1980

आदेश

का०शा० 1863 :—भारत सरकार के तत्कालीन श्रम और रोजगार विभाग सं० का०शा० 2652 तारीख 24 अगस्त, 1966 द्वारा गठित श्रम न्यायालय, कुसुन्दा के पीठासीन अधिकारी का पद रिक्त हुआ है;

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की का धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री आर० एन० भट्टाचार्य को 17 जून 1980 में उक्त श्रम न्यायालय के पीठासीन अधिकार्य के ह० में नियुक्त करती है।

[म०म० ए०-11020/5/80-डी० I (ए) (i)]

New Delhi, the 30th June, 1980

ORDER

S.O. 1863.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Industrial Tribunal Calcutta, constituted by the notification of the Government of India in the

then Department of Labour and Employment No. S.O. 2652 dated the 24th August, 1966 ;

Now therefore in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby appoints Shri R. N. Bhattacharya, as the Presiding Officer of the said Labour Court with effect from 17-6-1980.

[No. S-11020/5/80-D.I.A.(i)]

कां०आ० 1864.—भारत सरकार के तत्कालीन धन और रोजगार विभाग की अधिसूचना संख्या कां०आ० 2652 तारीख 24 अगस्त, 1966 द्वारा गौर औद्योगिक अधिकरण, कलकत्ता के पोर्टलोन अधिकारी का पद रिक्त हुआ है।

अन. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसूचना के केन्द्रीय सरकार की आरक्षण भट्टाचार्य की 17 जून, 1980 से उक्त औद्योगिक अधिकरण के पोर्टलोन अधिकारी के रूप में नियुक्त करना है।

[संख्या ए.ए. 11020/5/80-डी० I (ए) (ii)]

एन० के० नारायणन, प्रवर सचिव

S.O. 1864.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Industrial Tribunal, Calcutta, constituted by the notification of the Government of India in the then Department of Labour and Employment No. S.O. 2653 dated the 24th August, 1966 ;

Now therefore in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby appoints Shri R. N. Bhattacharya, as the Presiding Officer of the said Industrial Tribunal with effect from the 17th June, 1980.

[P. No. S-11020/5/80-D.I.A.(ii)]

L. K. NARAYANAN, Under Secy.

New Delhi, the 22nd July, 1980

S.O. 1865.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bhubaneswar, in the industrial dispute between the employers in relation to the management of New India Assurance Company Limited and their workmen, which was received by the Central Government on the 24th June, 1980.

INDUSTRIAL TRIBUNAL, BHUBANESWAR

Industrial Dispute Case No. 7 (Central) of 1978

Bhubaneswar, the 21st June, 1980

BETWEEN

The Management of New India Assurance Company Limited.—First-party.

AND

Their workman.—Second-party.

APPEARANCES :

Shri S. Dev Roy, Administrative Officer—for the first-party.

Shri Bhagirathi Satpathy—Second-party.

AWARD

In exercise of the powers conferred by section 7-A, and Clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act 1947, the Central Government in the Ministry of Labour have referred the following dispute to this Tribunal for adjudication in their Order No. L-17012(9)/78-D.IV(A) dated 15-11-1978 :

"Whether the action of the management of New India Assurance Company Limited in dismissing from service Shri Bhagirathi Satpathy, Senior Assistant in

their Cuttack Division (Unit : Orissa Co-operative Insurance Society Limited) with effect from 30th January, 1976 is legal and justified ? If not, to what relief is the workman concerned entitled ?"

2. In this case on the petition of the management and with the consent of the second-party workman, the preliminary points were heard, the preliminary points being whether the action taken against the second-party workman was based on the domestic enquiry which was fair and proper and the reference can be adjudicated on the basis of the said enquiry without going into the merits of the case. So they prayed that the preliminary point regarding the fairness of the enquiry should be taken up and determined at the first instance.

3. The case of the first-party is that the second-party workman was an employee under the first-party and there were various charges against him. The charge-sheet dated 12-9-1973 was made against him and he was asked to submit his explanation. A domestic enquiry was conducted and the Enquiry Officer gave his report on 9-12-1975. I am only stating these facts because at present the issue is to see whether the domestic enquiry conducted against the second-party was fair and proper.

4. The second-party workman has also filed a long written statement. He challenged the findings of the Enquiry Officer in the domestic enquiry and he also takes the plea that the charge-sheet dated 12-9-1973 repeated the charges framed against him earlier by the charge-sheet dated 25-5-1970 in which he was exonerated in a domestic enquiry.

5. So the issue is as follows :—

(1) Whether the domestic enquiry against the second-party workman was fair and proper ?

6. The management examined two witnesses and the workman examined himself. The M.W.1 is the Enquiry Officer who conducted the domestic enquiry and the M.W. 2 was an employee of the management who was in charge of the case.

7. The M.W. 1 speaks about the enquiry which he conducted against the second-party workman. He concluded his enquiry on 29-7-1975 and gave his report on 9-12-1975, the delay being due to the fact that he was busy in his professional work and that the second-party workman cross-examined the witnesses at length. It is stated by him in his cross-examination that he was not supplied with any rules regarding the procedure of the enquiry to be conducted as per the rules of the first-party, but he followed the principles of natural justice. The Ext. A. the charge-sheet does not bear the signature of S. A. Karadia, but from his report he found that the signature on the charge-sheet was of S. K. Das and also there was a signature of S. A. Karadia. It is further stated by him that the management witness No. 2 in the domestic enquiry stated that S. A. Karadia under the terms of the power of attorney had delegated his powers to S. K. Das after nationalisation. The M.W. 2 proves Ext. 17, the letter by which the services of S. K. Das were extended. This has been proved because the workman had challenged the authority of S. K. Das for starting the proceedings against him. In his cross-examination the witness states that the services of S. K. Das expired on 31-12-1973 which commenced from 1-1-1973. The services of S. K. Das were extended, as per this witness, by the General Insurance Corporation of India upto 31-12-1973 and it was communicated to him by the Personnel Adviser G. D. Parik of the New India Assurance Company Limited which is Ext. 70. On 31-12-1972 S. K. Das was physically in service of the company. So the challenge of the second-party that S. K. Das had no authority to issue charge-sheet against him cannot be accepted.

8. The workman speaks about his case and he challenged the findings given against him by the Enquiry Officer. He says that the Enquiry Officer with a view to twist the question of jurisdiction had incorporated various false things in his findings to reach a conclusion for holding that S. K. Das had the authority. He further states that the Enquiry Officer mainly based upon Ext. 50 which was not brought on record. Ext. 50 is the petition dated 3-5-1975 which states that the management could trace out from the records one authority given by Shri S. A. Karadia, Officer on special duty, Power of Attorney Holder of the New India Assurance Company Limited in favour of S. K. Das, Secretary, dated 1st May, 1973. But this point has already been decided as

per my observations above. So the contention of the second-party workman that the management did not bring the alleged power-of-attorney of S. A. Karadia into the record of enquiry by evidence or otherwise which vitiated the proceedings against him does not hold good. Further he had admitted in his cross-examination that he did not feel it necessary to raise any objection regarding the authority of S. K. Das as per Exts. 5 and 6.

9. The various papers in the domestic enquiry file have been exhibited in this case. The file shows that all the management witnesses had been cross-examined by the Advocate appearing on behalf of the second-party. It is also clear from the domestic enquiry file that the second-party was represented in the domestic enquiry by a lawyer and as such the second-party workman cannot say that there was no proper enquiry against him. His contention is that a similar charge was framed against him before and in a domestic enquiry he was exonerated from that charge. It is also submitted by him that the management failed to prove in the domestic enquiry that he forged the letter of one Gangadhar Misra, Pleader, that he inserted the letter of Gangadhar Misra into the official record and that he had intentionally defrauded the Society. The domestic enquiry file shows that the said letter which has been marked as Ext. DD/1 in the domestic enquiry file was sent to the handwriting expert who was examined in the domestic enquiry and he was cross-examined by the Advocate who was also an handwriting expert. As observed by the Enquiry Officer the evidence of the said handwriting expert was not at all shaken in the cross-examination. The contention of the second-party workman that the Enquiry Officer did not take into consideration the evidence of D.W.1 who was an eye-witness to the giving of the application by the late Gangadhar Misra cannot be accepted in view of the fact that the Enquiry Officer had given cogent reasons in his domestic enquiry report. The workman had relied on the case reported in 1963-II L.L.J. 396 and submitted that the witness should be allowed to explain the statements made by him which are contradictory. There cannot be any dispute with respect to this principle of law. The Enquiry Officer had given a well-reasoned report regarding the case against the second-party and as such on this ground the evidence led by the management against him cannot be disbelieved.

10. The management had submitted that as per the decision reported in 1963-II L.L.J. 367 that an enquiry cannot be said to have been properly held unless—

- (i) the employee proceeded against has been informed clearly of the charges levelled against him,
- (ii) the witnesses are examined—ordinarily in the presence of the employee—in respect of the charges,
- (iii) the employee is given a fair opportunity to cross-examine witnesses,
- (iv) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter, and
- (v) the enquiry officer records his findings with reasons for the same in the report.

The domestic enquiry file clearly shows that all these principles had been followed. The contention of the second-party workman is that the charges framed in this case were similar to the charges framed against him earlier from which he was exonerated. Ext. 1 shows that there were no mention that the Bill dated 23-12-1969 was forged by the second-party workman. But the charge-sheet with respect to the present domestic enquiry was conducted makes a clear mention of the forgery of that letter. So the conclusion arrived at by the Enquiry Officer that the second chargesheet does not cover the first charge-sheet is correct. Moreover, if the domestic enquiry conducted by the management was proper and all reasonable opportunities had been given to the second-party, then it is not for the Tribunal to interfere with the findings given therein because the Tribunal does not sit in judgment as an appellate court over the findings given in the domestic enquiry. The management relied for this principle on the case reported in 1972-II L.L.J. 328. In the case reported in A.I.R. 1963 Supreme Court 779 the Supreme Court decided that some of the findings of the Enquiry Officer but not all being unassailable the High Court cannot ask the authority to reconsider the order.

11. The second-party workman has challenged the competency of the authority who issued the charge-sheet to which I have already referred. The management had relied on the case reported in 1971 Lab. I.C. (N) 5 (Vol. 4) and submitted that if at all there is any defect in the charge-sheet it cannot vitiate the entire proceedings and the matter was rectified by the competent authority. It was further submitted that even in the case of Government servants governed by Article 311 of the Constitution the Supreme Court held that such irregularity cannot invalidate the disciplinary proceedings. Hence I feel that the domestic enquiry conducted against the second-party workman was quite proper. When the domestic enquiry is found to be proper and when the disciplinary authority has taken an action against him, I feel that it is not for this Tribunal to find out whether the punishment inflicted on him is proper or not. In the case reported in A.I.R. 1963 Supreme Court 779 similar principle has been laid down. It has been observed that the Court in a case in which an order of dismissal of a public servant is impugned, is not concerned to decide whether the sentence imposed, provided it is justified by the rules, is appropriate having regard to the gravity of the misdemeanour established. I think this principle applies to the present case because the offence with which the second-party is charged is very grave, viz., forgery and to defraud the Society by means of that forged letter. So the matter can be finally disposed of and it has to be decided against the workman.

12. In the result, I find that the workman is not entitled to any relief. Accordingly, the Award is passed.

M. V. GANGARAIU, Presiding Officer

[L-17012/9/78-D.IV(A)]

NAND LAL, Desk Officer

New Delhi, the 3rd July, 1980

S.O. 1866.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad, in the industrial dispute between the employers in relation to the management of State Bank of India, Local Head Office, Ahmedabad and their workmen, which was received by the Central Government on the 24th June, 1980.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, AHMEDABAD

Reference (ITC) No. 9 of 1978

Adjudication

BETWEEN

The Management of State Bank of India, Local Head Office, Ahmedabad.

AND

Their Workmen.

In the matter of termination of service of Shri Sitaram Kamble.

APPEARANCES:

Shri N. Y. Oza—for the Bank.

Shri K. R. Mehta, Organising Secretary of Gujarat Banks' Workers Organisation—for the Workman.

AWARD

This is a reference made by the Government of India to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (hereinafter to be referred to as 'the Act'), vide the Government of India, Ministry of Labour's Order No. L-12012/57/78-D.II.A, dated 14-12-1978, in respect of an industrial dispute which has arisen between the parties, viz., State Bank of India, Ahmedabad, (hereinafter to be referred to as 'the bank'), and the Workmen employed under it.

2. The industrial dispute, as it appears from the schedule attached to the original order, under which this reference has been made, relates to the demand, which is as under :—

"Whether the action of the management of State Bank of India, Local Head Office, Bhadra, Ahmedabad in terminating the services of Shri Sitaram Kamble, watchman with effect from 31-3-77 is legal and justified? If not, to what relief is the said workman entitled?"

3. In support of this demand, the concerned workman, Shri Sitaram Kamble, (hereinafter to be referred to as 'the workman'), has filed his statement of claim, (Ex. 3), dated 22nd January, 1979. It is the case of the workman that he was employed by the bank as a watchman-cum-messenger in the month of April 1976. It is his case that his appointment was temporary, though the post on which he was so appointed, was a permanent post of a watchman. The allegation of the workman is that even though he was performing his duties quite efficiently and properly, yet artificial breaks were effected in his otherwise continuous service and his service was being terminated without any reason at different intervals. However, it is his case that during a period of 12 calendar months, i.e., from April, 1976 to March, 1977, he had served under the bank and had actually worked for as many as 249 days. His grievance is that without giving him any previous notice in writing and without assigning any reasons, his services were terminated with effect from 31-3-1977. The contention of the workman is that because during a period of 12 calendar months he had actually worked for more than 240 days, he had put in a continuous service of one year, as contemplated under Section 25B of the Act. If that is so, the termination of his service with effect from 31-3-1977 amounted to retrenchment as defined in Section 2(oo) of the Act. A contention has been taken that since the said termination amounted to retrenchment as defined under the Act, the conditions precedent to such retrenchment as prescribed under Section 25F of the Act, should have been complied with before terminating his services. It is his plea that because those conditions were not complied with, the action of the bank in terminating his services would be void ab initio and inoperative. It is, therefore, contended by him that the said action be declared as illegal and unjustified and thereafter a direction be given to the bank to reinstate the workman in his original position and also to pay him his full back wages. Since the authorities of the bank were not prepared to reconsider their action, an industrial dispute was raised which has ultimately been referred for adjudication by the Govt. of India to this Tribunal.

4. It is also urged by the workman that even after having taken that illegal action, the bank continued to commit further illegalities by not following the mandatory provisions of Sections 25G and H of the Act. It is, therefore, prayed that after declaring the said action of the bank to be illegal and unjustified, a direction be given for the reinstatement of the workman in his original position and also for the payment of his full back wages.

5. On behalf of the bank, the written statement (Ex. 4), has been filed on 14-2-1979. According to the bank, the workman, Shri Sitaram Balwant Kamble, was appointed as a watchman-cum-messenger under the bank only in a purely temporary capacity. It is the case of the bank that he was only a badli employee whose services were utilised only when it was necessary to do so. It is, therefore, urged that he was not a regular employee of the bank and, therefore, he cannot claim any reinstatement in his original position. According to the bank, even though the workman had worked during a period of 12 calendar months, yet he had not actually worked for 240 days as claimed by the workman. In para (2) of the said written statement, the details of the days and dates on which the workman had actually worked, have been given, and according to those details, the workman, as contended by the bank, had actually worked only for 231½ days during that period. It is, therefore, urged that the provisions of Section 25B of the Act, cannot be legally attracted in this case. If those provisions cannot be attracted, the question of applying the provisions of section 25F of the Act, will not arise. It is, therefore, urged that the termination of the services of the workman would not amount to 'retrenchment', as contemplated under the Act. As regards the provisions of the Shastri Award, especially in para 525(5), it was explained

that the said provisions of the said award, would not be applicable to badli employees who are daily wagers. This being the position, it is urged by the bank that the action of the bank was absolutely legal and proper in terminating the services of the workman because they were no more required by the bank. It was, therefore, contended that the demand be rejected and this reference be disposed of.

6. Through the written authority, (Ex. 2), the workman authorised Shri K. R. Mehta, the organising secretary, Gujarat Bank Workers Organisation, (hereinafter to be referred to as 'the union'), to represent him in this case. The bank was represented by its officer, Shri N. Y. Oza. On behalf of the workman, his own evidence was recorded at Ex. 7, and thereafter the pursis, (Ex. 8), was given on 13-3-1979 closing his case. On behalf of the bank, the evidence of one Shri A. B. Pendse, the security officer of the bank, was recorded at Ex. 10, and thereafter the pursis (Ex. 11), was given on 28-3-1979 closing the case of the bank. The parties have also produced some documentary evidence in the shape of statements, giving the details of the days and dates on which the workman had actually worked in the bank and the same have been exhibited with the mutual consent of the parties. After hearing the learned representatives of the parties and after considering the oral, as well as documentary evidence, in this reference, the only short point which would arise for determination, would be whether the demand covered by this reference, can be legally granted?

7. It is an admitted position that the workman was employed as a temporary watchman-cum-messenger under the bank and that his services were engaged for the first time in the month of April, 1976. In this connection, the bank has given the details in the written statement, (Ex. 4), para (2), as well as through their separate statements, (Exs. 13 and 15/1) filed by the bank. The above mentioned two facts are also borne out from the two statements submitted on behalf of the union, (Ex. 14/1 and 15/2). It is thus fully established that the workman was employed by the bank during the 12 calendar months from April, 1976, to March, 1977.

8. This fact having been fully established, or rather having been admitted by the parties, the next important question which would require determination would be as to actually for how many days the workman had worked in the bank during the period of above mentioned 12 calendar months? As stated above, according to the bank, he had actually worked for only 231½ days. According to the union, as disclosed from the statement, (Ex. 14/1), he had actually worked for 240½ days. Similarly, according to the union's statement (Ex. 15/2) also, he had worked for 240½ days. When the oral evidence led on behalf of the parties was scrutinised against the background of the statements submitted by the parties, it was actually noticed that the workman had, in fact, actually worked during that period for 243½ days. This figure was arrived at after discussing this question with the learned representatives of the parties and especially Shri N. Y. Oza, appearing on behalf of the bank, was made to get convinced about that position. In fact, this position stands fully substantiated from the statement submitted by the bank itself, (Ex. 15/1). On scrutinising the said statement, it clearly appears that the bank has not considered those days which were either holidays or the days on which the bank had remained closed for any reasons and which had occurred in between the continuous service of the workman. In order to clarify this point, it would be necessary to give a specific example. If the workman had continuously worked from Monday to Saturday, and again from next Monday onwards, the intervening Sunday, which was a holiday with the bank, and on which no employee of the bank, including the workman, could actually work, even if he desired or wanted to work, has not been considered or taken into account by the bank for the purpose of counting 240 days. This becomes very clear from the statement (Ex. 15/1) itself. A note below that statement clearly shows that 4 days in the month of May, viz. 4th, 11th, 18th and 25th were not counted for the purpose of enumerating 240 days. From the said statement, (Ex. 15/1), it will appear that excepting these 4 Tuesdays, which were off days for the workman, there had been no other break in his otherwise continuous service which was continuous for the entire month of May. If the workman was employed for all the days in the month of May, 1976, it was neither legal nor proper for the bank to have not counted those 4 Tuesdays which were off days for the workman, for the purpose of enumeration of 240 days. In the month of April, admittedly, the workman had worked only

for 5 days, and both the bank and the union agreed to that position. Regarding the month of May, the union has calculated that the workman had actually worked for 31 days, but the bank has calculated only 26 days after deducting the above mentioned 4 Tuesdays which were, in fact, the off days for the workman. Those off days were statutory off days, which the bank was bound under the law to give him. These statutory off days are not to be deducted while counting the days of actual working, as contemplated under Section 25B of the Act. As such, the days on which the workman can be said to have actually worked in the month of May, would be 31, and not 27.

9. As regards the month of June, the bank has stated that the workman had actually worked for only 11 days, while the case of the union is that he had worked for 12 days. There is, therefore, a difference of 1 day. In this case also, the bank has acted without any justification, because in the month of June the workman started his service on 5th June and it continued upto 13th June, with only a break of 1 day on 6th June, which was Sunday. It is thus clear that Sunday intervened during his continuous service from 5th June to 13th June. According to law, Sunday being statutory holiday and it having intervened during otherwise continuous service of the workman, cannot be ignored for the purpose of counting 240 days. This position also becomes clear from the bank's statement (Ex. 15/1). As such, in the month of June, the workman can be said to have actually worked for 12 days.

10. In the month of July, the workman had worked at 2 places on behalf of the bank. According to the bank, he had worked for 2½ days at Shahibaug, and for 9 days at local head office. According to the bank's calculation, in the month of July, he had worked for 11½ days. The case of the union, on the other hand, is that, in fact, he had worked for 13½ days. In this connection, if we refer to the gate pass issued by the bank on 8-7-1976 (Ex. 6/4), it will appear that a direction was given that the workman be allowed to work as a watchman on 3 different days during the period from 5-7-1976 to 31-7-1976. Those days were Thursday, Friday and Sunday. If we refer to the calendar for the month of July, 1976, it will appear that there were 4 Thursdays, 4 Fridays and 3 Sundays in that month of July, 1976. This would show that he had worked for 11 days in the local head office as directed through that gate pass, (Ex. 6/4). Admittedly, he had worked for 2½ days at Shahibaug on behalf of the bank. It is thus fully established that in the month of July, he had actually worked for 13½ days, but not 11½ days, as stated by the bank, through Ex. 15/1.

11. So far the month of August, 1976 is concerned, according to the bank, the workman had worked for 11 days at the local head office, and for 11 days at Astodia. Even the union has the same case to present, because it is stated by the union that during the month of August he had worked for 22 days. So far the month of September, 1976, is concerned, according to the bank, the workman had worked for 9 days at Astodia and for 7 days at the local head office, i.e., in all, he had worked for 17 days. In this connection, the case of the union is that, in fact, he had worked for one day more, i.e. in all, for 18 days. In this connection, if we scrutinise the gate passes (Ex. 6/6), dated 20-9-1976; (Ex. 6/7), dated 29-9-1976 and (Ex. 6/8), dated 30-9-1976, it would appear that in the month of September, actually the workman had worked for 18 days. When these gate passes were brought to the notice of the learned representative appearing on behalf of the bank, he was fair enough to state that in view of what is contained therein, he had nothing to argue. It is thus clear that in the month of September, 1976, the workman had actually worked for 18 days.

12. So far the month of October, 1976, is concerned, there is no conflict between the parties that the workman had actually worked for only 17 days. However, there is conflict so far the month of November, 1976, is concerned. According to the bank, the workman had worked for only 19 days, but according to the union, he had worked for 21 days. In this connection also, if we scrutinise the statement (Ex. 15/1). It will appear that weekly offs which intervened in between the otherwise continuous service of the workman have not been counted. 14th November was a Sunday and it intervened during the continuous service of the workman from 9-11-1976 to 15-11-1976, but in spite of

that, that has not been counted by the bank. It has been found that usually the bank was giving Tuesday as a weekly off to the workman, but in the month of November, 1976, even though 16-11-1976 was a Tuesday, yet it has not been counted for the purpose of enumeration of 240 days. This would show that the bank has counted 3 days less in the month of November, 1976. If they are added to the number of 19 days given by the bank, the total number of days on which he actually worked in that month, would come to 21 days.

13. So far the month of December, 1976, is concerned, according to the bank, he actually worked for 13 days, but according to the union, he worked for 14 days. Ex. 15/1 shows that from 24th to 29th of December, 1976 the workman was in continuous service. Again, he was continuously in service from 1st of January, 1977, onwards. If that is so, the weekly off in the last week of December, will have to be considered as working day for the workman, because it would be a statutory off day. It may be either a Sunday or a Tuesday, because generally the bank was giving Tuesdays as weekly offs to the workmen. By this calculation, it would appear that in the month of December the workman had actually worked not for 13 days, but for 14 days. There is no conflict between the parties that during the months of January, 1977 to 31-3-1977, the workman had actually worked for 19 days. Now, if the days on which the workman actually worked during the months of April, 1976, to March, 1977, as enumerated above, are counted, they would come to a total of 243½ days. All these calculations were made by this Tribunal in presence of the learned representatives of the parties and after these calculations, even Shri Oza, the learned representative appearing on behalf of the bank, had neither any arguments, nor any ground to challenge these calculations. It is thus now fully established that during the above mentioned period of 12 calendar months from April, 1976, to March, 1977, the workman had actually worked for 243½ days under the bank. Having given this finding, it will now be necessary to reproduce the relevant portions from Sections 25B and 26F of the Act. Section 25B of the Act is as under :—

"25B. For the purposes of this Chapter, —

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—
 - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
 - (ii) two hundred and forty days, in any other case;
 - (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—
 - (i) ninety-five days, in the case of a workman employed below ground in a mine; and
 - (ii) one hundred and twenty days, in any other case.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which —

- (i) he has been laid off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under

this Act or under any other law applicable to the industrial establishment ;

- (ii) he has been on leave with full wages, earned in the previous years ;
- (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and
- (iv) in the case of a female, she has been on maternity leave, so however, that the total period of such maternity leave does not exceed twelve weeks."

If the workman had worked for more than 240 days during a period of 12 calendar months, then in accordance with the provisions of Section 25F of the Act, the conditions precedent for retrenchment as prescribed under that section required to be fulfilled before his services could be terminated, as the said termination amounted to retrenchment. Section 25F of the Act is as under :—

"25F. No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until —

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired or the workman has been paid in lieu of such notice, wages for the period of the notice ;

Provided that no such notice shall be necessary, if the retrenchment is under an agreement which specifies a date for the termination of service ;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and

- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)."

14. It is now well established that for the purpose of considering whether the termination of services of a workman, amounted to, or did not amount to, retrenchment, it is immaterial whether the concerned workman was a permanent workman, or only a temporary, or casual workman. Even a badli workman would come under the definition of 'workman' as defined under Section 2(s) of the Act. Now, admittedly, in this case the conditions prescribed under Section 25F of the Act, were not complied with and in this connection the evidence of the workman himself at Ex. 7, is very clear. He has stated that no such notice as contemplated under that section was given to him before terminating his services. It is thus fully established that even though the action of the bank in terminating the services of the workman with effect from 31-3-1977, amounted to retrenchment, as defined under Section 2(oo) of the Act, yet the mandatory provisions of Section 25F of the Act, were not complied with. In that case, the action of the bank would be void ab initio and inoperative. The workman would be deemed to be still in the service of the bank and he would also be entitled to reinstatement in his original position.

15. As regards the question of back wages, it has been brought on record that after the termination of his services from the bank, the workman has got an alternative employment under the Officer Commanding 43 Company Senna Seva

Corps C/o 56 APO in the Camp Area at Ahmedabad. In this connection, 3 certificates have been produced from those military authorities where the workman has been employed as a civilian chowkidar on a particular remuneration. The certificate (Ex. 9/1) dated 20 March, 1979, shows that for the period from 11-10-1976 to 28-2-1979, he was paid an amount of Rs. 8768.85. The certificate (Ex. 15/1), dated 1-1-1980, shows that for the period from 1-3-1979 to 31-12-1979 he was paid an amount of Rs. 3687.53, and the certificate (Ex. 17/1), dated 10-3-1980, shows that for the period from 1-1-1980 to 29-2-1980, he was paid an amount of Rs. 621.56. This is, therefore, a case in which during his unemployment under the bank, the workman was gainfully employed as a civilian watchman with the military in the Camp area at Ahmedabad. Naturally, therefore, the amount which he has earned from that alternative employment will have to be adjusted against his back wages, which would be found due to him from the bank.

16. The next question that would arise for the purpose of determining the back wages would be as to whether the workman would be entitled to claim full back wages for the entire period during which he had remained unemployed under the bank ? The past record of the employment of the workman under the bank for the months from April, 1976, to March, 1977, shows that during the period of those 12 calendar months he had actually worked for only 243½ days. That number of days will have to be treated as the normal period for which he could have been actually employed during the period he has remained out of employment of the bank.

- 17. (i) It is hereby declared that the termination of services of the workman by the bank with effect from 31-3-1977, having amounted to 'retrenchment' as defined under Section 2(oo), read with Section 25B, of the Act, and the bank having not followed the mandatory provision of Section 25F of the Act, the said action of the bank is absolutely illegal and unjustified. The same is, therefore, hereby directed to be set aside.

- (ii) It is, therefore, directed that the workman be reinstated in his original position on the same terms and conditions on which he was originally employed by the bank.

- (iii) It is, therefore, directed that for the period from 31-3-1977 till the workman is actually reinstated in his original position, he shall be paid his full back wages on the basis of the same average of working days as has been worked out and actually found to be 243½ days during the period of 12 calendar months from April, 1976, to March 1977, minus the amount which the workman has actually earned from his alternative employment as a civilian watchman in the Camp area under the military authorities at Ahmedabad.

- (iv) The difference in wages, if any, worked out, as directed above, shall be paid to him within a period of 3 months from the publication of this Award in Gazette of India.

- (v) The first party bank to bear its own costs and also to pay the costs of the workman which are quantified at Rs. 500 (Rupees Five hundred only).

Ahmedabad,

Dated : 5th June, 1980.

R. C. ISRANI, Presiding Officer

[No. L-12012/57/78-D.II(A)]

S. K. BISWAS, Desk Officer

